

# County of Monroe

## Growth Management Division

### Office of the Director

2798 Overseas Highway  
Suite #400  
Marathon, FL 33050  
Voice: (305) 289-2517  
FAX: (305) 289-2854



### Board of County Commissioners

Mayor David Rice, Dist. 4  
Mayor Pro Tem Kim Wigington, Dist. 1  
Heather Carruthers, Dist. 3  
George Neugent, Dist. 2  
Sylvia Murphy, Dist. 5

*We strive to be caring, professional and fair*

### AGENDA

#### CONSTRUCTION INDUSTRY INFORMAL GROUP MEETING

**March 27, 2012**

**3 PM – 5 PM**

Murray E. Nelson Government & Cultural Center, 102050 Overseas Hwy, Key Largo

1. Formal Introduction of Assistant Building Official, Jerry Smith
2. Set date for Key Largo Permit Application workflow tour
3. Presentations
  - a. Interactive Voice Response System (IVR) **(EXHIBIT A)**
    - 1) Presentation
    - 2) Review of projected cost breakdown
  - b. Electronic Plan Review **(EXHIBIT B)**
    - 1) Presentation
    - 2) Review of projected cost breakdown
4. Staff Reports on Phase I Action Items:
  - a. Summary of Phase I Action Items **(EXHIBIT C)**
  - b. Site Plan Requirements Checklist
    - 1) Checklist
      - a) Single Family Residential Development **(EXHIBIT D)**
      - b) Commercial/Multi-family/Industrial Development **(EXHIBIT E)**
      - c) Work NOT Requiring Seal Site Plans by Architect/Engineer **(EXHIBIT F)**:  
Accessory Structures, Environmental, Foundation, Pools, Renovations, Signs
    - 2) BOAF Guide for Professional Practice **(EXHIBIT G)** and State Statutes **(EXHIBIT H)**
    - 3) Implementation Plan
      - a) Staff training
      - b) May 1, 2012: Implement for 3 months and review comments (public & staff)
      - c) Update documents/procedures accordingly
      - d) Inform Community
      - e) August 1, 2012: Formal Implementation/rejection of incomplete site plans

Construction Industry Informal Group Mission Statement:

*"To evaluate Growth Management Division Building, Flood Plain, Planning and Environmental Resources, Engineering, Fire, and other department operations related to permitting and development approvals, and recommend improvements for better service delivery to the Construction Industry and Monroe County residents."*

**AGENDA**  
**CONSTRUCTION INDUSTRY INFORMAL GROUP MEETING**

**March 27, 2012**

- c. Proposed Revised ROGO/NROGO Process– Master Item #s: 2.2 and 6.6
  - 1) Presentation to Contractor’s Association
    - a) Comparison analysis **(EXHIBIT I)**
    - b) Fee proposal **(EXHIBIT J)**
  - 2) MC Ordinance Changes – Implemented regardless of “Reverse ROGO”  
Building Plans must be to current FL Building Code to bring our practice into compliance with Building law. This may require re-submittal of plans and plan review by building department before permit issuance; Building revised plan review fees will be applied **(EXHIBIT K)**
  - 3) Vote
    - a) Yes - Implement “Reverse ROGO” and proposed fees
    - b) No - Do not implement “Reverse ROGO” with proposed fees. Note: MC Ordinance changes requiring updated building plans prior to issuance will be processed
- d. Floodplain Regulations
  - 1) Eliminate Flood Inspection per passing of House Bill 407 – Master Item #: 2.13  
Letter to FEMA Including Resolution 440-2011 RE: 2011 Implementation Plan for the Flood Insurance Inspection and Compliance Program, and Bill Effective 7/1/12 **(EXHIBIT L)**
  - 2) Updated Floodplain Regulations
    - a) Chapter 122 **(EXHIBIT M)**
    - b) Chapter 6-107 **(EXHIBIT N)**
  - 3) Review Dates
    - a) DRC – 2/28/12
    - b) PC – 3/28/12
    - c) BOCC – 4/18/12
  - 4) Updated Building Permit Application – removes CSR checks **(EXHIBIT O)**
- e. Mitigation Banks – Master Item #: 9.4: Status Update on BOCC Option chosen **(EXHIBIT P)**
- f. Evaluation of the County Permitting, Plan Review and Inspection fees and the expense to deliver services for recommendation of a new fee structure to the Board of County Commission
  - 1) Request for Proposal
  - 2) Timeline
  - 3) Expedited Fee
- g. SB-1180 Permit Extension
  - 1) Status
  - 2) Matrix Summary of proposed extension **(EXHIBIT Q)**

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**March 27, 2012**

- h. Increase permit exemptions from \$1,000 to \$2500, as requested by industry
    - 1) BOAF Module Administrative Code Chapter 1 (**EXHIBIT R**)
    - 2) Palm Beach County Exemptions
    - 3) Discussion about “defining” exemptions
  - i. GM Lobby Updates:
    - 1) New Form Center in lobbies
    - 2) Public Computer in lobbies
  - j. Update per Code Storm water Retention Calculation Sheet (**EXHIBIT S**)
- 5. Proposed Future meeting date:
  - 6. Contact for volunteer signup/email: Karen Pleasant

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*“To evaluate Growth Management Division Building, Flood Plain, Planning and Environmental Resources, Engineering, Fire, and other department operations related to permitting and development approvals, and recommend improvements for better service delivery to the Construction Industry and Monroe County residents. ”*

## Monroe County Inspection Process and IVR Enhancement

<b>What is IVR?</b>	Interactive Voice Response (IVR) phone system that can automate repetitive tasks
<b>How does it serve contractors/public?</b>	Allows contractors to access their permits, hear information about permit and inspection history, schedule/cancel inspections, pay permit fees with credit card, and manage and update key information quickly and effectively, at any time of day.
<b>How does it serve MC staff?</b>	Frees staff from fielding repetitive requests such as scheduling inspections by entering phone requests directly into permit. Allows inspectors to result an inspection at any time of day, giving contractor the ability to request next inspections.
<b>Future Application</b>	Sets ground-work for potentially automating inspectors out in field, print Certificate of Occupancy, and other services
<b>Estimated Cost to Implement</b>	\$90,000

Task		Current	IVR
Customers	Request Inspection via:		
	Email	via Website (suggestion: make PDF email so data can be consistent)	X
	Call and leave message	Customer	X
	Add inpection to CommunityPLUS	NO	YES
Assigned Inspectors (Corey/Sully)	Retrieve messages -write on paper/ticket	1/2 to 1 hr daily	X
	Review request: research case, contractor, prior inspections	1/2 to 1 hr daily	X - System has validation ability to prevent many issues manually researched
	Assigned inspections	1/2 to 1 hr daily (on paper)	10 mins daily (many inspections can be automatically assigned using system logic)
	Pass out paper assignments	10 mins	X
<b>Time Estimate</b>		<b>2 to 3 1/2 hrs</b>	<b>&lt; 30 mins</b>
Inspectors	Enter Inspections	1/2 hr daily	X
	Generate Inspection Work Log Report	5 mins (Form in CommunityPLUS)	5 mins
	Order Geographically Inspections	5 mins	5 mins
	Perform Inspections		
	Write result on Inspection on Inspector Work Log Report	5 mins	X
	Enter results	1/2 to 1 hr daily	1/2 hr daily
<b>Time Estimate</b>		<b>1 to 1 1/2 hrs</b>	<b>&lt; 1 hr</b>
Customer Service	Answer calls regarding inspections		Reduced due to information line and faxing report capabilities, as well as increased information on-line available

# Monroe County Plan Review Process and Electronic Plan Enhancement

## What is Electronic Plan Review?

A process that requires site and/or building plans to be submitted electronically, usually via an website link or can be physically handed to building department on CD, that then allows staff to review, communicate issues and approval plans through electronic means instead of manually by phone or paper.

## How does it serve contractors, architects, engineers, owners?

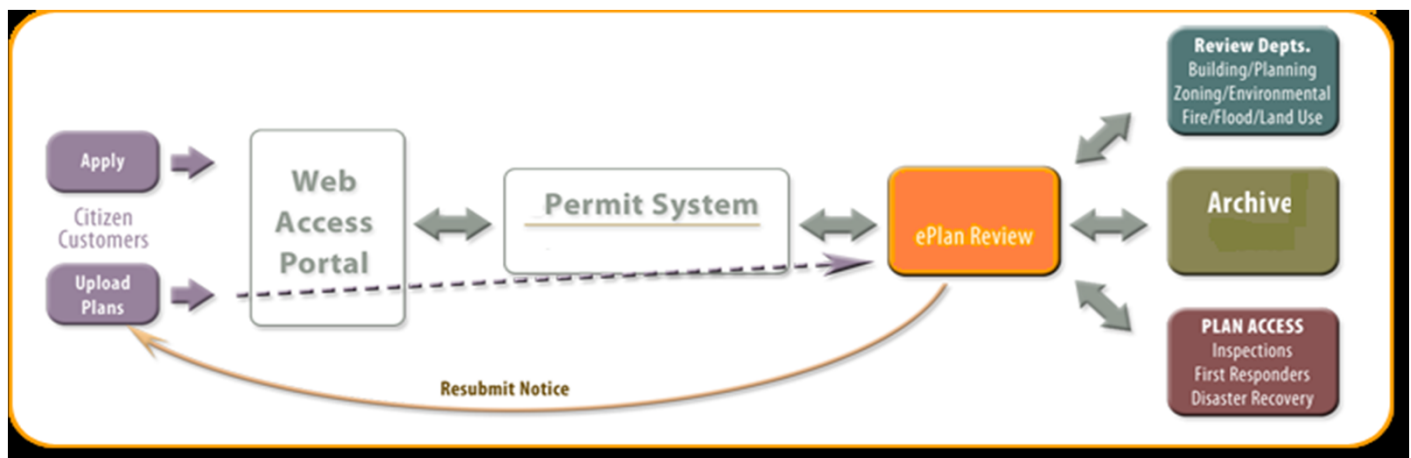
- ♦ Reduce and eliminate the cost of paper by submitting site and building plans electronically - no printing plans for building application submission
- ♦ Reduce the cost of delivering paper and storing paper
- ♦ Documents can be uploaded anytime - day or night - from anywhere with internet access
- ♦ Review and respond to status updates anytime with internet access

## How does it serve MC staff?

- ♦ Reduce and/or eliminate paper storage
- ♦ Increase review time since plans are accessible by all reviewers, offices (Key Largo, Marathon and Stock Island) and departments (Engineering, Fire) simultaneously
- ♦ Frees staff time fielding and making phone calls
- ♦ Efficiently documents concerns for other staff to see as well as customer
- ♦ Tracks versions of plans and changes made to plans

## Estimated Cost to Implement

\$300,000



	TASK	CURRENT	ELECTRONIC REVIEW
Customer: Apply with Plans	Prints the required number of plans for submittal to building department and any other use as needed	YES	NO
	Drives to office and submits application or pays for courier or permit runner	YES	Submit via Internet
Customer Service Reps: Retrieve documents for processing	Review application for required documentation	YES	Can be done electronically
	Accepted applications for plan review are processed for routing	Permit File Folder routed to each review stop concurrently	Plan Reviewers and customers access, review, comment and update plans electronically
Plan Reviewer / Departments	Reviews plans and other reviewers comments	Concurrently in order of review with file folder delay of moving to within and outside of office/department	Simultaneously on line
	Communicates to customer issues	By phone and/or email	Customer uses on line tool to view either on their own or when notification received
Customer: Resubmits	Make required changes to plans and re-print as required	Addresses concerns as called by staff	Updates to plans/revisions can be laid over current plans for ease in recognizing changes

# Monroe County Plan Review Process and Electronic Plan Enhancement

## Implementation Details - Boca Raton Case Study

<b>Development Goals</b>	Identify primary goals for needing system.	
	Boca Raton's Goals were:	Allow a customer to apply for a permit, upload plans, have the plans
		Allow a customer to choose either an electronic or an over the counter paper submittal.
		Compatible and have a bi-directional interface
<b>Timeline</b>	Purchase and BOCC approval process	5 - 7 months
	Project Schedule	1 month
	Process Development	6 months
	System Configuration	3 months
	Training	2 months
	Implementation	2 months - if phasing schedule
	Boca Raton timeline	April 2009 to January 2011 for full blown electronic submittal and online payments
<b>Process Improvements</b>	Boca Raton improvements:	Reduced application types from 150 to 90
		Reduced permit types from 130 to 12
		Develop checklists customized for each application type and standardize required document submittal, automate plan review routing
		Simplified permit fee calculations
		Created pre-screening step so no application started plan review before all checklist items submitted
		If permit application not electronically submitted, documents were scanned and converted for a fee to that all plan review was 100% electronic.
<b>Process Times</b>	Boca Raton Improved process times - see attached chart	

**Source: Boca Raton Case Study, ProjectDox**

Customer controls

2011	Pre-Screen (1 <sup>st</sup> -2 <sup>nd</sup> Qtr)		Plan Review (1 <sup>st</sup> -2 <sup>nd</sup> Qtr)		Issuance (1 <sup>st</sup> -2 <sup>nd</sup> Qtr)		Total (1 <sup>st</sup> -2 <sup>nd</sup> Qtr)	
Single Family Re-Roof	5	4	2	<b>2</b>	27	4	34	10
Commercial Interior Alteration	5	4	15	<b>9</b>	18	11	38	24
Permits Overall	5	5	8	<b>7</b>	35	9	48	21

Building Dept controls

**process times**

Source: Boca Raton Case Study, ProjectDox

# Monroe County Growth Management - Recommended Improvements Summary for Phase I

3/12/2012

Phase (I,II,III)	MASTER Item #	Originating Summit Comment #	Goal	Status	Due Date or Implementation Date
I	2.3		Document Requirements at time of application, at time of issuance, at time of inspection	Working: On-going	
I	6.20	48	Better communication between depts. and consistency between Marathon and Key Largo's Procedures	Working: On-going	
I	6.3	41	Standard procedures between Offices	Working: On-going	
I	2.2	33	Revise ROGO/NROGO Process: No Permitting/building plan review for ROGO applications. Alternative - update building plans before issuance.	Awaiting vote on going forward with new fees and process.	
I	6.6	13	Revise ROGO/NROGO : Affect on plan review time/storage/resource	Awaiting vote on going forward with new fees and process.	
I	2.13	58	Eliminate Flood Inspection with permit (6-107)	FEMA required alternate process; BOCC Review 6/15/11; Letter sent 8/16/11; Working for BOCC approval April 18, 2012	5/1/2012
I	1.3		Issuance Process Mapping	Updating Forms	5/1/2012
I	7.2	6	Standard inspection codes by Permit Type	In Progress	5/1/2012
I	7.1	1/25 Summit	Automate inspections via IVR/eGov request function	Preparing for budget approval	1/1/2013
I	7.11	22	Prioritizing inspections	IVR Tool	1/1/2013
i	7.14	59	Multiple Inspections of one site - all performed at once and not in specific order	IVR Tool	1/1/2013
I	5.7	Written Request	Increase permit exempt valuation from \$1000 to \$2500	Agenda 3/27/12	
I	5.2	17	Pricing by component vs sq ft	Preparing RFB for Consultant	6/1/2012
i	5.8	60	Fence Fees	Preparing RFB for Consultant	6/1/2012
I	5.6		Stormwater fees: Stormwater review, inspecting and final process document and fee restructuring. The current fees include: Plan review, Site visits, Admin, Research	Preparing RFB for Consultant	6/1/2012
I	5.3	18	Credit cards	Options Researched: IVR vs stand alone	
I	2.5	26	Submit permit w/o contractor while job is being bid -can save time	Email from County Attorney	
I	2.6	55	Plan submission for permit review without an assigned General Contractor on commercial projects.....	Email from County Attorney	
I	6.9	39	Outsource Plan Reviews - ICC or Private Providers		
I	2.9	27	All permits at one time due to group request /subs should or should not be due at time of application? Issuance?		
I	6.2	15	Plan Review: sequential processing creates time delay		
I	8.1		Expired permits: review /clean-up of data conversion errors; research other communities statute of limitations; fences/slabs/boat lifts/AC? Close out		
I	9.3	61	Amend Section 6-55 under Building Official Authority: Implement internal policy changes, fee interpretations, or code interpretations only after 90 day notice to contractors in writing. Policy changes, fee interpretations, or code interpretations that create an unsafe situation or health safety welfare issue shall not require 90 day notice, but every effort shall be made to notify industry representatives as soon as possible.		
I	10.2	25	Increase knowledge of public so issues in permitting and development approval do not occur as frequently		
I	4.1	49	2 bar stools at counter	Done	1/11/2011
I	1.1		Intake-Permit types/data entered Process Mapping	Done	9/1/2011
I	2.1		Review and consolidate/remove permit types and affects on database	Done	9/1/2011
I	1.2		Plan Review Process Mapping	Done	9/1/2011
I	6.20	46	Retrain personnel to enter comments properly and notify contractor or Agent	Done with follow-up reviews on going	9/1/2011
I	5.1	38	Eliminate Private Provider fees private providers: why is there a charge?	Adopted 6/15/11	9/1/2011
I	6.7	37	Private Provider plan review and staff redundancy review	Done	9/1/2011
I	6.8	32	Private provide audit vs duplicating provider work	Done	9/1/2011
I	6.21	63	Stormwater Retention Calculation worksheet : Improve staff and public ability to determine calculation	Done; Updated 1/2012	9/1/2011
I	4.2	45	Computer in Bldg dept w/ access to MCPA, Clerk, eGov, Sunbiz w/ print (charge .25) capability	Completed	2/1/2012
I	1.4		Inspections Process Mapping	Done	3/1/2011
I	2.12	CH email 12/13/10	Create a "check" or some type of mechanism to prevent issuance without inspection floodplain	Done (Will be obsolete w/ HB 407)	





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Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501

Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800

Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

### Site Plan Submission Requirements: Single Family Residential

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached.

#### Permit Types:

Addition-Residential  
FEMA Funded Residence  
Mobile Home  
Mobile Home-Affordable  
Mobile Home-Replacement  
Single Family:  
-Afford to Market Rate  
-Afford Fee Exempt  
-Afford Inclusionary  
-Affordable Housing  
-Conventional  
-Employee Housing  
-From Guest House  
-From MH  
-Modest Housing  
-Modular  
-Replace of

#### AT THE TIME OF PERMIT APPLICATION SUBMISSION:

Site Plans submitted with building permit application will be accepted for compliance review if:

- \_\_\_ **A.** Prepared and sealed by a professional architect, engineer, or any other professional licensed in the State of Florida to prepare site plans;
- \_\_\_ **B.** Drawn to a scale of one inch equals ten (1"=10') or twenty (1"=20') feet unless another working scale is approved in advance of submittal by the Building Official/Planning Director. *Please try to use hatching or clouding instead of color legends to distinguish areas*

**At a minimum, drawn to depict the following on the Site Plan, as impacted by development:**

- \_\_\_ **C.** Title indicating property address (if available), real estate (RE) #, legal description, date, revision date(s) if applicable, north arrow and graphic scale;
- \_\_\_ **D.** Boundary lines of site, and, if applicable, interior property lines transecting the site and mean high-water lines (shown in accordance with Florida Statutes);
- \_\_\_ **E.** Locations and dimensions of all existing and proposed structures, including paved areas, the need for parking spaces;
- \_\_\_ **F.** Setback and Flood Zone lines as required by the Land Development Code;
- \_\_\_ **G.** The location of existing public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (or on-site system proposed to meet required County and State wastewater treatment standards);
- \_\_\_ **H.** Outside Agency Approval/Stamp on plans as appropriate: FDOH, FKEC
- \_\_\_ **I.** A table providing:
  - ☐ Future Land Use Map (FLUM), Land Use District (Zoning), and Tier designation;
  - ☐ Flood zones pursuant to the Flood Insurance Rate Map panel number

**At a minimum, detailed on additional documentation to the Site Plan, as impacted by development**

- \_\_\_ **J.** Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas;
- \_\_\_ **K.** Outside Agency Approval Letters/Stamps on plans as appropriate: ACOE, DEP, FL Keys Energy, FKA, Key Largo Wastewater;
- \_\_\_ **L.** Pre- and Post- Construction grade elevation statement specifying that no new structures shall exceed or otherwise violate the height and floodplain management limitations; "A" Zone elevation from top surface of first floor; "V" Zone bottom surface of lowest horizontal structural member.

✓ = Accepted for review

N/A= Not Required

\* = Required

As reasonably required, if deemed necessary to complete a full review of the application, the planning director may request additional information or coordination letters from other agencies.



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Single Family:  
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-Afford Fee Exempt  
-Afford Inclusionary  
-Affordable Housing  
-Conventional  
-Employee Housing  
-From Guest House  
-From MH  
-Modest Housing  
-Modular  
-Replace of

#### SITE PLANS ACCEPTED FOR REVIEW:

Site Plans will be forwarded to a plans examiner for review of compliance with all items on this document including the items below.

At a minimum, drawn to depict the following on the Site Plan, as impacted by development:

- \_\_\_ **M.** Location, size and species of required Street Tree (114-104);
- \_\_\_ **N.** Extent and area of wetlands, open space preservation areas and conservation easements. If wetland area unknown, wetland delineation can be acquired (Prior to Submittal) through private contractor or by county biologist (fee \$60/hr per MC Ordinance 134-2011);
- \_\_\_ **O.** Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any potential species that may use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);
- \_\_\_ **P.** A table providing:
  - ☐ Total amount of area and upland area of the site;
  - ☐ Amount of impervious and pervious area.

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### Site Plan Submission Requirements: Commercial/Multi-Family Development

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached.

#### AT THE TIME OF PERMIT APPLICATION SUBMISSION:

Site Plans submitted with building permit application will be accepted for compliance review if:

- \_\_\_ **A.** Prepared and sealed by a professional architect, engineer, or any other professional licensed in the State of Florida to prepare site plans;
- \_\_\_ **B.** Drawn to a scale of one inch equals ten feet (1"=10') unless another working scale is approved in advance of submittal by the Building Official/Planning Director. *Please try to use hatching or clouding instead of color legends to distinguish areas*

At a minimum, drawn to depict the following on the Site Plan, as impacted by development:

- \_\_\_ **C.** Title indicating property address (if available), real estate (RE) #, legal description, date, revision date(s) if applicable, north arrow and graphic scale;
- \_\_\_ **D.** Boundary lines of site, and, if applicable, interior property lines transecting the site and mean high-water lines (shown in accordance with Florida Statutes);
- \_\_\_ **E.** Locations and dimensions of all existing and proposed structures, including paved areas, numbered parking spaces, FL Accessibility (Ch 11), Vehicle Loading;
- \_\_\_ **F.** Setback and Flood Zone lines as required by the Land Development Code;
- \_\_\_ **G.** The location of existing public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (or on-site system proposed to meet required County and State wastewater treatment standards);
- \_\_\_ **H.** Outside Agency Approval/Stamp on plans as appropriate: FDOH, FKEC
- \_\_\_ **I.** A table providing:
  - ☐ Future Land Use Map (FLUM), Land Use District (Zoning) and Tier designation;
  - ☐ Flood zones pursuant to the Flood Insurance Rate Map panel number;

At a minimum, detailed on additional documentation to the Site Plan, as impacted by development

- \_\_\_ **J.** Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas
- \_\_\_ **K.** Outside Agency Approval Letters/Stamps on plans as appropriate: ACOE, DEP, FL Keys Energy, FKAA, Key Largo Wastewater;
- \_\_\_ **L.** Pre- and Post- Construction grade elevation and statement specifying that no new structures shall exceed or otherwise violate the height and floodplain management limitations; "A" Zone elevation from top surface of first floor; "V" Zone bottom surface of lowest horizontal structural member.

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### Site Plan Submission Requirements: Commercial/Multi-Family Development

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#### SITE PLANS ACCEPTED FOR REVIEW:

Site Plans will be forwarded to a plans examiner for review of compliance with all items on this document including the items below.

At a minimum, drawn to depict the following on the Site Plan, as impacted by development:

- \_\_\_ **M.** Buffer yards/parking lot landscaping areas, as required by the Land Development Code, incl. the species & number of plants per area (114-128);
- \_\_\_ **N.** Extent and area of wetlands, open space preservation areas and conservation easements. If wetland area unknown, wetland delineation can be acquired (Prior to Submittal) through private contractor or by county biologist (fee \$60/hr per MC Ordinance 134-2011);
- \_\_\_ **O.** Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any listed species that may potentially use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);
- \_\_\_ **P.** A table providing:
  - ☐ Total amount of area and upland area of the site;
  - ☐ Type and square footage of all nonresidential floor area;
  - ☐ Type and number of all residential dwelling units;
  - ☐ Amount of impervious and pervious area

#### **NOTE:**

**Fire Prevention Site Plan Review requires where applicable:**

Location of fire hydrants or fire wells,  
Fire Access,  
Driving/Turning Radius,  
Overhead power lines,  
Fences/Gates,  
Parking Areas

#### *Permit Types:*

*Addition-Commercial*

*Antenna/Towers/*

*Equipment Bldg*

*Bridges*

*Commercial Building:*

*-New*

*-NEW NROGO*

*-Replace*

*-Storage*

*Demo-Moving Bldg.*

*Docking Facility*

*Generator Auxiliary*

*Generator Building*

*Hotel/Motel*

*Marina*

*Multi-Family:*

*-New*

*-Affordable Housing*

*-FEMA Afford. Housing*

*Park*

*SewageTreatPlant/COM*

*Site Work*

*Tennis Court (COM)*

*Warehouse*

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\* = Required

As reasonably required, if deemed necessary to complete a full review of the application, the planning director may request additional information or coordination letters from other agencies.





Staff: _____	RE# _____	Permit# _____	Date: _____
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### Site Plan Submission Requirements: **ACCESSORY (COM or RES)**

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached.

#### **1. AT THE TIME OF PERMIT APPLICATION SUBMISSION:**

**Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, drawn to depict the following on the Site Plan, as impacted by the type of development:**

<b>Job Types:</b> <ul style="list-style-type: none"> <li>Boat Davits</li> <li>Carport</li> <li>Chickee</li> <li>Cistern</li> <li>Dock/ Seawall</li> <li>Fence/Retaining wall</li> <li>Garage/Enclosed Carport</li> <li>Gas Tanks</li> <li>Gazebo</li> <li>Observation Deck</li> <li>Retaining Wall</li> <li>ROW Access Structure</li> <li>RV Replacement</li> <li>RV Temp</li> <li>Satellite Dish</li> <li>Seawall w/o dock</li> <li>Shed</li> <li>Solar Units</li> <li>Temp Use/Structure</li> <li>Tennis Court - res</li> <li>Trailer-Construction/Sales</li> </ul>	_____ <b>A.</b>	Drawn to a scale designated on the site plan or survey/drawing. <i>Please try to use hatching or clouding instead of color legends to distinguish areas</i>
	_____ <b>B.</b>	Title indicating property address (if available), real estate (RE) #, legal description, date, revision date(s) if applicable, north arrow and graphic scale
	_____ <b>C.</b>	Boundary lines of site, and, if applicable, interior property lines transecting the site and mean high-water lines (shown in accordance with Florida Statutes)
	_____ <b>D.</b>	Locations and dimensions of all existing and proposed structures, including paved areas, numbered parking spaces, FL Accessibility (Ch 11), Vehicle Loading
	_____ <b>E.</b>	Setback <u>and</u> Flood Zone lines as required by the Land Development Code
	_____ <b>F.</b>	In a Table provide -Future Land Use Map (FLUM), Land Use District (Zoning) <u>and</u> Tier designation -Flood zones pursuant to the Flood Insurance Rate Map panel number (exception: Boat Davits, Cisterns, Seawall w/o Deck)
	_____ <b>G.</b>	-Outside Agency Approval/Stamp on plans as appropriate: FDOH, FKEC -Outside Agency Approval Letters on plans as appropriate: ACOE, DEP, FL Keys Energy, FKA, Key Largo Wastewater
<b>Job Types:</b> <ul style="list-style-type: none"> <li>Cistern</li> <li>Gas Tanks</li> <li>Trailer-Construction/Sales</li> </ul>	_____ <b>H.</b>	The location of existing public utilities as impacted by development, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (or on-site system proposed to meet required County and State wastewater treatment standards)
<b>Job Types:</b> <ul style="list-style-type: none"> <li>Carport</li> <li>Garage/Enclosed Carport</li> <li>Gazebo</li> <li>Observation Deck</li> </ul>	_____ <b>I.</b>	Pre- and Post- Construction grade elevation and statement specifying that no new structures shall exceed or otherwise violate the height and floodplain management limitations; "A" Zone elevation from top surface of first floor; "V" Zone bottom surface of lowest horizontal structural member.

✓ = Accepted for review

N/A= Not Required

\* = Required

**As reasonably required, if deemed necessary to complete a full review of the application, the planning director may request additional information or coordination letters from other agencies.**



Staff: _____	RE# _____	Permit# _____	Date: _____
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## MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501

Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800

Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

### Site Plan Submission Requirements: **ACCESSORY (COM or RES)**

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached.

**Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, detailed on additional documentation to the Site Plan, as impacted by the type of development:**

Job Types: <ul style="list-style-type: none"> <li>• Carport</li> <li>• Chickee</li> <li>• Cistern</li> <li>• Dock/ Seawall</li> <li>• Garage/Enclosed Carport</li> <li>• Gazebo</li> <li>• Observation Deck</li> <li>• ROW Access Structure</li> <li>• RV Replacement</li> <li>• Seawall w/o dock</li> <li>• Shed</li> <li>• Temp Use/Structure</li> <li>• Tennis Court - res</li> <li>• Trailer-Construction/Sales</li> </ul>	_____J.	Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas
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### **2. SITE PLANS ACCEPTED FOR REVIEW**

**Site Plans will be forwarded to a plans examiner for compliance review with all items on this document including the items below.**

**At a minimum, drawn to depict the following on the Site Plan, as impacted by development:**

Job Types: <ul style="list-style-type: none"> <li>• Carport</li> <li>• Chickee</li> <li>• Garage/Enclosed Carport</li> <li>• Gas Tanks</li> <li>• Gazebo</li> <li>• Retaining Wall</li> </ul>	_____K.	Buffer yards/parking lot landscaping areas, as required by the Land Development Code, incl. the species & number of plants per area (114-128); Street Tree (114-104)
Job Types: <ul style="list-style-type: none"> <li>• Boat Davits</li> <li>• Carport, Gazebo</li> <li>• Chickee</li> <li>• Cistern</li> <li>• Dock/Seawall</li> <li>• Fence/Retaining wall</li> <li>• Garage/Enclosed Carport</li> <li>• Gas Tanks</li> <li>• Observation Deck</li> <li>• Retaining Wall</li> <li>• ROW Access Structure</li> <li>• RV Replacement</li> <li>• RV Temp</li> <li>• Satellite Dish, Solar Units</li> <li>• Seawall w/o dock</li> <li>• Shed</li> </ul>	_____L.	Extent and area of wetlands, open space preservation areas and conservation easements. If wetland area unknown, wetland delineation can be acquired (Prior to Submittal) through private contractor or by county biologist (fee \$60/hr per MC Ordinance 134-2011) (exception: Boat Davits);
Job Types: <ul style="list-style-type: none"> <li>• Boat Davits</li> <li>• Carport, Gazebo</li> <li>• Chickee</li> <li>• Cistern</li> <li>• Dock/Seawall</li> <li>• Fence/Retaining wall</li> <li>• Garage/Enclosed Carport</li> <li>• Gas Tanks</li> <li>• Observation Deck</li> <li>• Retaining Wall</li> <li>• ROW Access Structure</li> <li>• RV Replacement</li> <li>• RV Temp</li> <li>• Satellite Dish, Solar Units</li> <li>• Seawall w/o dock</li> <li>• Shed</li> </ul>	_____M.	Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any listed species that may potentially use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);

✓ = Accepted for review

N/A= Not Required

\* = Required

**As reasonably required, if deemed necessary to complete a full review of the application, the planning director may request additional information or coordination letters from other agencies.**



Staff: _____	RE# _____	Permit# _____	Date: _____
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## MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501

Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800

Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

### Site Plan Submission Requirements: **ACCESSORY (COM or RES)**

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached.

**At a minimum, drawn to depict the following *on the Site Plan*, as impacted by development:**

Job Types: <ul style="list-style-type: none"> <li>• Carport</li> <li>• Chickee</li> <li>• Garage/Enclosed Carport</li> <li>• Gas Tanks</li> <li>• Gazebo</li> <li>• Observation Deck</li> <li>• Retaining Wall</li> </ul>	<ul style="list-style-type: none"> <li>• ROW Access Structure</li> <li>• RV Replacement</li> <li>• RV Temp</li> <li>• Satellite Dish</li> <li>• Seawall w/o dock</li> <li>• Shed</li> <li>• Temp Use/Structure</li> <li>Trailer-Construction/Sales</li> </ul>	_____ <b>N.</b>	In a Table provide Total amount of area <u>and</u> upland area of the site
Job Types: <ul style="list-style-type: none"> <li>• Carport</li> <li>• Chickee</li> <li>• Garage/Enclosed Carport</li> <li>• Gazebo</li> <li>• Observation Deck</li> <li>• Shed</li> <li>• Temp Use/Structure</li> <li>• Trailer-Construction/Sales</li> </ul>		_____ <b>O.</b>	In a Table provide Type <u>and</u> square footage of all nonresidential floor area
Job Types: <ul style="list-style-type: none"> <li>• Boat Davits</li> <li>• Carport</li> <li>• Chickee</li> <li>• Fence/Retaining wall</li> <li>• Garage/Enclosed Carport</li> <li>• Gas Tanks</li> <li>• Gazebo</li> </ul>	<ul style="list-style-type: none"> <li>• Observation Deck</li> <li>• Retaining Wall</li> <li>• Satellite Dish</li> <li>• Shed</li> <li>• Temp Use/Structure</li> <li>• Tennis Court - RESs</li> </ul>	_____ <b>P.</b>	In a Table provide Type <u>and</u> number of all residential dwelling units
Job Types: <ul style="list-style-type: none"> <li>• Carport</li> <li>• Chickee</li> <li>• Cistern</li> <li>• Dock/ Seawall</li> <li>• Garage/Enclosed Carport</li> <li>• Gas Tanks</li> <li>• Gazebo</li> </ul>	<ul style="list-style-type: none"> <li>• Observation Deck</li> <li>• RV Replacement</li> <li>• RV Temp</li> <li>• Shed</li> <li>• Tennis Court - res</li> <li>Trailer-Construction/Sales</li> </ul>	_____ <b>Q.</b>	In a Table provide Amount of impervious and pervious area

**NOTE:**

**Fire Prevention Site Plan Review requires where applicable:**

Location of fire hydrants or fire wells, Fire Access, Driving/Turning Radius, Overhead power lines, Fences/Gates, Parking Areas

✓ = Accepted for review

N/A= Not Required

✱ = Required

**As reasonably required, if deemed necessary to complete a full review of the application, the planning director may request additional information or coordination letters from other agencies.**



Staff: _____	RE# _____	Permit# _____	Date: _____
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## MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501

Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800

Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

### Site Plan Submission Requirements: **ENVIRONMENTAL (COM or RES)**

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached.

#### **1. AT THE TIME OF PERMIT APPLICATION SUBMISSION:**

Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, drawn to depict the following **on the Site Plan, as impacted by the type of development:**

Job Types: <ul style="list-style-type: none"> <li>• Rip Rap</li> <li>• Fill</li> <li>• Excavation</li> </ul>	_____ <b>A.</b>	Drawn to a scale designated on the site plan or survey/drawing.  <i>Please try to use hatching or clouding instead of color legends to distinguish areas</i>
	_____ <b>B.</b>	Title indicating property address (if available), real estate (RE) #, legal description, date, revision date(s) if applicable, north arrow and graphic scale
	_____ <b>C.</b>	Boundary lines of site, and, if applicable, interior property lines transecting the site and mean high-water lines (shown in accordance with Florida Statutes)
	_____ <b>D.</b>	Setback <u>and</u> Flood Zone lines as required by the Land Development Code
	_____ <b>E.</b>	In a table provide Flood zones pursuant to the Flood Insurance Rate Map panel number
Job Type: <ul style="list-style-type: none"> <li>• Excavation</li> </ul>	_____ <b>F.</b>	The location of existing public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (or on-site system proposed to meet required County and State wastewater treatment standards);
Job Types: <ul style="list-style-type: none"> <li>• Fill</li> </ul>	_____ <b>G.</b>	Pre- and Post- Construction grade elevation and statement specifying that no new structures shall exceed or otherwise violate the height and floodplain management limitations; "A" Zone elevation from top surface of first floor; "V" Zone bottom surface of lowest horizontal structural member.

Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, detailed **on additional documentation to the Site Plan, as impacted by the type of development:**

Job Types: <ul style="list-style-type: none"> <li>• Fill</li> <li>• Excavation</li> </ul>	_____ <b>H.</b>	Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas
Job Types: <ul style="list-style-type: none"> <li>• Rip Rap</li> <li>• Excavation</li> </ul>	_____ <b>I.</b>	Outside Agency Approval Letters on plans as appropriate: ACOE, DEP

✓ = Accepted for review

N/A= Not Required

\* = Required

As reasonably required, if deemed necessary to complete a full review of the application, the planning director may request additional information or coordination letters from other agencies.





## MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501

Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800

Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

### Site Plan Submission Requirements: **ENVIRONMENTAL (COM or RES)**

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached.

#### **2. SITE PLANS ACCEPTED FOR REVIEW:**

**Site Plans will be forwarded to a plans examiner for review of all items on this document including the items below.**

**At a minimum, drawn to depict the following *on the Site Plan*, as impacted by the type of development:**

Job Types: <ul style="list-style-type: none"><li>• Fill</li><li>• Excavation</li></ul>	_____ <b>J.</b>	Buffer yards/parking lot landscaping areas, as required by the Land Development Code, incl. the species & number of plants per area (114-128); Street Tree (114-104)
	_____ <b>K.</b>	In a Table provide Total amount of area <u>and</u> upland area of the site
	_____ <b>L.</b>	In a Table provide Amount of impervious and pervious area
Job Types: <ul style="list-style-type: none"><li>• Rip Rap</li><li>• Fill</li><li>• Excavation</li></ul>	_____ <b>M.</b>	Extent and area of wetlands, open space preservation areas and conservation easements. If wetland area unknown, wetland delineation can be acquired (Prior to Submittal) through private contractor or by county biologist (fee \$60/hr per MC Ordinance 134-2011);
	_____ <b>N.</b>	Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any listed species that may potentially use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service)

#### **NOTE:**

**Fire Prevention Site Plan Review may require where applicable:** Location of fire hydrants or fire wells, Fire Access, Overhead power lines, Fences/Gates, Parking Areas

✓ = Accepted for review

N/A = Not Required

\* = Required

As reasonably required, if deemed necessary to complete a full review of the application, the planning director may request additional information or coordination letters from other agencies.



## MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501

Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800

Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

### Site Plan Submission Requirements: **FOUNDATION (COM or RES)**

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached.

#### 1. AT THE TIME OF PERMIT APPLICATION SUBMISSION:

Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, drawn to depict the following on the Site Plan, as impacted by the type of development:

Job Types: <ul style="list-style-type: none"> <li>Concrete Cap</li> <li>Concrete Slab</li> <li>Curbing</li> <li>Foundation/Piling</li> <li>Paving Driveway</li> <li>Pilings</li> </ul>	_____A.	Drawn to a scale designated on the site plan or survey/drawing. <i>Please try to use hatching or clouding instead of color legends to distinguish areas</i>
	_____B.	Title indicating property address (if available), real estate (RE) #, legal description, date, revision date(s) if applicable, north arrow and graphic scale
	_____C.	Boundary lines of site, and, if applicable, interior property lines transecting the site and mean high-water lines (shown in accordance with Florida Statutes)
	_____D.	Locations and dimensions of all existing and proposed structures, including paved areas, numbered parking spaces, FL Accessibility (Ch 11), Vehicle Loading
	_____E.	Setback <u>and</u> Flood Zone lines as required by the Land Development Code
	_____F.	In a Table provide Future Land Use Map (FLUM), Land Use District (Zoning) <u>and</u> Tier designation
Job Types: <ul style="list-style-type: none"> <li>Concrete Cap</li> <li>Concrete Slab</li> <li>Foundation/Piling</li> <li>Piling</li> </ul>	_____G.	In a Table provide Flood zones pursuant to the Flood Insurance Rate Map panel number
	_____H.	Pre- and Post- Construction grade elevation and statement specifying that no new structures shall exceed or otherwise violate the height and floodplain management limitations; "A" Zone elevation from top surface of first floor; "V" Zone bottom surface of lowest horizontal structural member.

Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, detailed on additional documentation to the Site Plan, as impacted by the type of development:

Job Types: <ul style="list-style-type: none"> <li>Concrete Cap</li> <li>Concrete Slab</li> <li>Curbing</li> <li>Foundation/Piling</li> <li>Paving Driveway</li> </ul>	_____I.	Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas
Job Types: <ul style="list-style-type: none"> <li>Concrete Cap, Concrete Slab</li> <li>Curbing, Paving Driveway</li> <li>Foundation/Piling</li> </ul>	_____J.	Outside Agency Approval Letters on plans as appropriate: ACOE, DEP, So. FL Water District;

✓ = Accepted for review

N/A= Not Required

\* = Required

As reasonably required, if deemed necessary to complete a full review of the application, the planning director may request additional information or coordination letters from other agencies.



Staff: \_\_\_\_\_ RE# \_\_\_\_\_ - \_\_\_\_\_ Permit# \_\_\_\_\_ Date: \_\_\_\_\_

## MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501

Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800

Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

### Site Plan Submission Requirements: **FOUNDATION (COM or RES)**

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached.

#### **2. SITE PLANS ACCEPTED FOR REVIEW:**

Site Plans will be forwarded to a plans examiner for review of compliance with all items on this document including the items below. At a minimum, drawn to depict the following ***on the Site Plan, as impacted by development:***

Job Types: <ul style="list-style-type: none"><li>• Concrete Slab</li><li>• Foundation/Piling</li><li>• Paving Driveway</li><li>• Pilings</li></ul>	_____ <b>K.</b>	Buffer yards/parking lot landscaping areas, as required by the Land Development Code, incl. the species & number of plants per area (114-128); Street Tree (114-104)
Job Types: <ul style="list-style-type: none"><li>• Concrete Cap</li><li>• Concrete Slab</li><li>• Curbing</li><li>• Foundation/Piling</li><li>• Paving Driveway</li><li>• Pilings</li></ul>	_____ <b>L.</b>	Extent and area of wetlands, open space preservation areas and conservation easements. If wetland area unknown, wetland delineation can be acquired (Prior to Submittal) through private contractor or by county biologist (fee \$60/hr per MC Ordinance 134-2011);
	_____ <b>M.</b>	Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any listed species that may potentially use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);
Job Types: <ul style="list-style-type: none"><li>• Concrete Cap *</li><li>• Concrete Slab *, **</li><li>• Curbing *, **</li><li>• Foundation/Piling *, **</li><li>• Paving Driveway *, **</li><li>• Pilings *</li></ul>	_____ <b>N.</b>	In a Table provide <ul style="list-style-type: none"><li>* Total amount of area <u>and</u> upland area of the site</li><li>** Amount of impervious and pervious area</li></ul>

#### **NOTE:**

**Fire Prevention Site Plan Review requires where applicable:**

Location of fire hydrants or fire wells, Fire Access, Driving/Turning Radius, Overhead power lines, Fences/Gates, Parking Areas

✓ = Accepted for review

N/A = Not Required

\* = Required

As reasonably required, if deemed necessary to complete a full review of the application, the planning director may request additional information or coordination letters from other agencies.



## MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501

Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800

Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

### Site Plan Submission Requirements: **POOL/SPA (COM or RES)**

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached.

#### **1. AT THE TIME OF PERMIT APPLICATION SUBMISSION:**

Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, drawn to depict the following **on the Site Plan, as impacted by the type of development:**

- \_\_\_\_\_ **A.** Drawn to a scale designated on the site plan or survey/drawing.  
*Please try to use hatching or clouding instead of color legends to distinguish areas*
- \_\_\_\_\_ **B.** Title indicating property address (if available), real estate (RE) #, legal description, date, revision date(s) if applicable, north arrow and graphic scale;
- \_\_\_\_\_ **C.** Boundary lines of site, and, if applicable, interior property lines transecting the site and mean high-water lines (shown in accordance with Florida Statutes);
- \_\_\_\_\_ **D.** Locations and dimensions of all existing and proposed structures, including paved areas, numbered parking spaces, FL Accessibility (Ch. 11), Vehicle Loading, pool barrier;
- \_\_\_\_\_ **E.** Setback and Flood Zone lines as required by the Land Development Code;
- \_\_\_\_\_ **F.** The location of existing public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (or on-site system proposed to meet required County and State wastewater treatment standards);
- \_\_\_\_\_ **G.** Outside Agency Approval/Stamp on plans as appropriate: FDOH, FKEC
- \_\_\_\_\_ **H.** Pre- and Post- Construction grade elevation and statement specifying that no new structures shall exceed or otherwise violate the height and floodplain management limitations; "A" Zone elevation from top surface of first floor; "V" Zone bottom surface of lowest horizontal structural member
- \_\_\_\_\_ **I.** A table providing:
  - ☐ Future Land Use Map (FLUM), Land Use District (Zoning) and Tier designation;
  - ☐ Flood zones pursuant to the Flood Insurance Rate Map panel number;

Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, detailed **on additional documentation to the Site Plan, as impacted by the type of development:**

- \_\_\_\_\_ **J.** Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas
- \_\_\_\_\_ **K.** Outside Agency Approval Letters on plans as appropriate:  
ACOE, DEP, FL Keys Energy, FCAA, Key Largo Wastewater;

✓ = Accepted for review

N/A = Not Required

\* = Required

As reasonably required, if deemed necessary to complete a full review of the application, the planning director may request additional information or coordination letters from other agencies.



## MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501

Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800

Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

### Site Plan Submission Requirements: **POOL/SPA (COM or RES)**

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached.

#### **2. SITE PLANS ACCEPTED FOR REVIEW:**

Site Plans will be forwarded to a plans examiner for review of all items on this document including the items below.

At a minimum, drawn to depict the following *on the Site Plan*, as impacted by the type of development:

- \_\_\_\_\_ **L.** Buffer yards/parking lot landscaping areas, as required by the Land Development Code, incl. the species & number of plants per area (114-128);
- \_\_\_\_\_ **M.** Extent and area of wetlands, open space preservation areas and conservation easements. If wetland area unknown, wetland delineation can be acquired (Prior to Submittal) through private contractor or by county biologist (fee \$60/hr per MC Ordinance 134-2011);
- \_\_\_\_\_ **N.** Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any listed species that may potentially use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);
- \_\_\_\_\_ **O.** A table providing:
  - ☐ Total amount of area and upland area of the site;
  - ☐ Type and square footage of all nonresidential floor area;
  - ☐ Type and number of all residential dwelling units;
  - ☐ Amount of impervious and pervious area

#### **NOTE:**

**Fire Prevention Site Plan Review may require where applicable:**

Location of fire hydrants or fire wells,  
Fire Access,  
Driving/Turning Radius,  
Overhead power lines,  
Fences/Gates,  
Parking Areas

✓ = Accepted for review

N/A = Not Required

✱ = Required

As reasonably required, if deemed necessary to complete a full review of the application, the planning director may request additional information or coordination letters from other agencies.





Staff: _____	RE# _____	Permit# _____	Date: _____
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## MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

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Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800

Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

### Site Plan Submission Requirements: **RENOVATION (COM or RES)**

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached.

#### 1. AT THE TIME OF PERMIT APPLICATION SUBMISSION:

Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, drawn to depict the following on the Site Plan, as impacted by the type of development:

Job Types: <ul style="list-style-type: none"> <li>• Deck</li> <li>• Electric</li> <li>• Elevator</li> <li>• Handicap Ramp</li> <li>• Lawn Sprinkler</li> <li>• LP Gas</li> <li>• Porch/open</li> <li>• Refrigeration</li> <li>• Remodel Com Ext/Int</li> <li>• Remodel Res Ext/Int</li> <li>• Stairs</li> <li>• Tie Downs</li> </ul>	_____ <b>A.</b>	Drawn to a scale designated on the site plan or survey/drawing. <i>Please try to use hatching or clouding instead of color legends to distinguish areas</i>
	_____ <b>B.</b>	Title indicating property address (if available), real estate (RE) #, legal description, date, revision date(s) if applicable, north arrow and graphic scale
	_____ <b>C.</b>	Boundary lines of site, and, if applicable, interior property lines transecting the site and mean high-water lines (shown in accordance with Florida Statutes)
	_____ <b>D.</b>	Locations and dimensions of all existing and proposed structures, including paved areas, numbered parking spaces, FL Accessibility (Ch 11), Vehicle Loading
	_____ <b>E.</b>	Setback <u>and</u> Flood Zone lines as required by the Land Development Code
	_____ <b>F.</b>	In a Table provide Future Land Use Map (FLUM), Land Use District (Zoning) <u>and</u> Tier designation
Job Types: <ul style="list-style-type: none"> <li>• Remodel Com Ext/Int</li> <li>• Remodel Res Ext/Int</li> </ul>	_____ <b>G.</b>	Pre- and Post- Construction grade elevation and statement specifying that no new structures shall exceed or otherwise violate the height and floodplain management limitations; "A" Zone elevation from top surface of first floor; "V" Zone bottom surface of lowest horizontal structural member
Job Types: <ul style="list-style-type: none"> <li>• Elevator, Handicap Ramp</li> <li>• LP Gas</li> <li>• Deck, Porch/open</li> <li>• Refrigeration</li> <li>• Remodel Com Ext/Int</li> <li>• Remodel Res Ext/Int</li> <li>• Stairs, Tie Downs</li> </ul>	_____ <b>H.</b>	In a Table provide Flood zones pursuant to the Flood Insurance Rate Map panel number

Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, detailed on additional documentation to the Site Plan, as impacted by the type of development:

Job Types: <ul style="list-style-type: none"> <li>• Deck, Stairs</li> <li>• Porch/open</li> <li>• Remodel Com Ext/Int</li> <li>• Remodel Res Ext/Int</li> <li>• Refrigeration</li> </ul>	_____ <b>I.</b>	Drainage plan including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas
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✓ = Accepted for review

N/A= Not Required

\* = Required

As reasonably required, if deemed necessary to complete a full review of the application, the planning director may request additional information or coordination letters from other agencies.



Staff: _____	RE# _____	Permit# _____	Date: _____
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## MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

*Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501*

*Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800*

*Lower Keys Office: 5503 College Road, Key West, (305) 295-3990*

### Site Plan Submission Requirements: **RENOVATION (COM or RES)**

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached.

### **2. SITE PLANS ACCEPTED FOR REVIEW**

Site Plans will be forwarded to a plans examiner for compliance review with all items on this document including the items below.

At a minimum, drawn to depict the following *on the Site Plan*, **as impacted by the type of development:**

Job Types: • Deck • Elevator • Handicap Ramp • Stairs	_____ <b>J.</b>	Buffer yards/parking lot landscaping areas, as required by the Land Development Code, incl. the species & number of plants per area (114-128); Street Tree (114-104)
Job Types: • Deck • Elevator • Handicap Ramp • Lawn Sprinkler • LP Gas • Porch/open • Refrigeration • Remodel Com Ext/Int • Remodel Res Ext/Int • Stairs	_____ <b>K.</b>	Extent and area of wetlands, open space preservation areas and conservation easements. If wetland area unknown, wetland delineation can be acquired (Prior to Submittal) through private contractor or by county biologist (fee \$60/hr per MC Ordinance 134-2011);
	_____ <b>L.</b>	Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any listed species that may potentially use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);
	_____ <b>M.</b>	Provide Total amount of area <u>and</u> upland area of the site (exception: Elevator)
	_____ <b>N.</b>	Provide amount of impervious and pervious area (exception: Lawn Sprinkler)
Job Types: • Deck • Elevator • Refrigeration • Remodel Com Ext/Int	_____ <b>O.</b>	In a Table provide Type <u>and</u> square footage of all nonresidential floor area
Job Types: • Remodel Res Ext/Int	_____ <b>P.</b>	In a Table provide Type <u>and</u> number of all residential dwelling units

#### **NOTE:**

**Fire Prevention Site Plan Review requires where applicable:**

Location of fire hydrants or fire wells, Fire Access, Driving/Turning Radius, Overhead power lines, Fences/Gates, Parking Areas

✓ = Accepted for review

N/A= Not Required

\* = Required

As reasonably required, if deemed necessary to complete a full review of the application, the planning director may request additional information or coordination letters from other agencies.



## MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT

Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL (305) 289-2501

Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800

Lower Keys Office: 5503 College Road, Key West, (305) 295-3990

### Site Plan Submission Requirements: **SIGNS**

This form must accompany site plan submissions. Any revised submissions must also have the original marked Site Plan Submission Requirements checklist attached.

#### **1. AT THE TIME OF PERMIT APPLICATION SUBMISSION:**

Site Plans submitted with building permit application will be accepted for compliance review if at a minimum, drawn to depict the following **on the Site Plan, as impacted by development:**

- \_\_\_\_\_ **A.** Drawn to a scale designated on the site plan or survey/drawing.  
*Please try to use hatching or clouding instead of color legends to distinguish areas*
- \_\_\_\_\_ **B.** Title indicating property address (if available), real estate (RE) #, legal description, date, revision date(s) if applicable, north arrow and graphic scale;
- \_\_\_\_\_ **C.** Boundary lines of site, and, if applicable, interior property lines transecting the site and mean high-water lines (shown in accordance with Florida Statutes);
- \_\_\_\_\_ **D.** Locations and dimensions of all existing and proposed structures, including any existing signs, paved areas and parking spaces;
- \_\_\_\_\_ **E.** Setback and Flood Zone lines as required by the Land Development Code;
- \_\_\_\_\_ **F.** A table providing:
  - ☐ Future Land Use Map (FLUM), Land Use District (Zoning) and Tier designation;
  - ☐ Flood zones pursuant to the Flood Insurance Rate Map panel number;

#### **2. SITE PLANS ACCEPTED FOR REVIEW:**

Site Plans will be forwarded to a plans examiner for review of compliance with all items on this document including the items below.

At a minimum, drawn to depict the following **on the Site Plan**, if proposed sign impacts wetlands or native upland habitat:

- \_\_\_\_\_ **G.** Extent and area of wetlands, open space preservation areas and conservation easements. If wetland area unknown, wetland delineation can be acquired (Prior to Submittal) through private contractor or by county biologist (fee \$60/hr per MC Ordinance 134-2011);
- \_\_\_\_\_ **H.** Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any listed species that may potentially use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service);

#### **NOTE:**

**Fire Prevention Site Plan Review may be required where applicable:**

Location of fire hydrants or fire wells, or overhead power lines

✓ = Accepted for review

N/A= Not Required

\* = Required

As reasonably required, if deemed necessary to complete a full review of the application, the planning director may request additional information or coordination letters from other agencies.



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# A Building Official's Guide to the Professional Practice of Architects & Engineers in Florida

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AIA Florida



Building Officials  
Association of Florida



Florida  
Engineering  
Society

This guide has been developed by a Task Force of representatives from three professional associations, to provide guidance for both design professional and local code compliance officials, with regard to the interpretation of certain aspects of Florida licensing laws. The following associations contributed to this document:

Building Officials Association of Florida - BOAF

Florida Association of the American Institute of Architects - AIA Florida

Florida Engineering Society - FES

Design of the built environment in Florida is regulated by applicable building codes and Florida statutes governing the regulation of the professions. Florida licensed architects and engineers collaborate on the design of new buildings and additions as necessary, within the areas of practice for which they have been trained and educated, to protect the health, safety, and welfare of the citizens of Florida. Architects and engineers are required to sign and seal plans and specifications they prepare for submittal to a permitting agency as a public record. The design of new buildings and building additions can be completed by any qualified licensed design professional as outlined by the state statutes for the applicable design professional. Larger and/or complex projects are best accomplished as a team project.

*Registered Interior Designers and Landscape Architects are design professionals who are also defined in Chapter 481 of the Florida Statutes. Practice definitions for those professions are included in the reference section.*

Disclaimer – This document is not a substitute or replacement for Florida Statutes or Rules governing the practice of Architecture or Engineering in Florida. This document is a guideline to assist in the application of the governing regulations. Please refer to the Florida Statutes and Florida Administrative Code for the complete text of the items cited in this guide.

Published March 1, 2011

Local building code officials have a responsibility to protect the public welfare. However, their approach and focus is somewhat different from that of the design professionals.

This guide provides a listing of the recommendations for architecture and engineering design team member requirements, according to the following project types:

1. NEW BUILDINGS AND BUILDING Additions- All occupancies except one and two family dwellings
2. EXISTING BUILDING ALTERATIONS OR RENOVATIONS- All occupancies except one and two family dwellings
3. STRUCTURES NOT HAVING HABITABLE OR OCCUPIABLE SPACES
4. ONE AND TWO FAMILY DWELLINGS

The issues surrounding permissible overlaps and cross-scope activities among various design professions, referred to in Florida Statutes as “purely incidental” work, are not easy to resolve. The scopes of practice for these professions overlap, leaving the local government officials with the daunting task of interpreting the intent of state law. This reference guide has been created in an attempt to address these issues. The following pages provide design professionals and local government officials with a better understanding of the roles of design professions.

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## 1. NEW BUILDINGS AND BUILDING

**ADDITIONS** - All occupancies except one and two family dwellings

**Architect** - Responsible for comprehensive building design including: life safety, floor plans, elevations, architectural detailing, architectural features, specifications and any aspect related to human habitation of building.

**Engineers** - Professional engineers are responsible for the engineering design of multiple aspects of a building project. Professional engineers practice based upon their training, knowledge and expertise and are not licensed by any specific discipline. The types of engineering usually provided by professional engineers include the following:

**Civil Engineering** - Environmental, geotechnical, exterior structural, water resource, coastal, material design or engineering surveys

**Structural Engineering** - Calculating the physical properties of structural components/ materials that will be exposed to various expected loads

**Mechanical Engineering** - HVAC systems design. Required for projects when system value and size exceeds statutory or building code limits (see s.471.003)

**Plumbing Engineering** - Plumbing systems design. Required for projects when plumbing fixture count exceeds statutory or building code limits (see s.471.003)

**Electrical Engineering** - Electrical systems design. Required for projects when service size exceeds statutory or building code limits (see s.471.003)

**Fire Protection Engineering** - When fire sprinkler, fire alarm and structural fire protection systems/materials are used and system exceeds statutory or building code limits

*Note: Systems below statutory or building code limits for size and/or value, not designed by an engineer, or an architect, must be designed by the appropriate contractor per fs.471.003.*

## 2. EXISTING BUILDING ALTERATIONS OR RENOVATIONS - All occupancies except one and two family dwellings

Design professional participation will depend upon the scope of the project.

**Architect** - Required when the project scope alters the life safety aspects of the building

**Engineers** - Professional engineers are responsible for the engineering design of multiple aspects of a building project. Professional engineers practice based upon their training, knowledge and expertise and are not licensed by any specific discipline. The types of engineering usually provided by professional engineers include the following:

**Structural Engineering** - Required when the project scope includes complex structural components for which loads must be calculated

**Civil Engineering** - Environmental, geotechnical, structural, water resource, coastal, material design or engineering surveys

**Systems Engineering** - Required when system exceeds statutory or building code limits

*Note: Systems below statutory or building code limits for size and/or value, not designed by an engineer, or an architect, must be designed by the appropriate contractor per s.471.003*

## 3. STRUCTURES NOT HAVING HABITABLE OR OCCUPIABLE SPACES

The designs of structures that are not intended for human occupation are not legally required to be completed by an architect; however, a team approach may still be more appropriate for engineering multiple systems exceeding statutory limitations.

**Engineers** - Professional engineers are responsible for the engineering design of multiple aspects of a building project. Professional engineers practice based upon their training, knowledge and expertise and are not licensed by any specific discipline. The types of engineering usually provided by professional engineers include the following:

**Structural Engineering** - Responsible for calculating the physical properties of structural components/materials that will be exposed to expected loads.

**Civil Engineering** - Environmental, geotechnical, exterior structural, water resource, coastal, material design, or engineering surveys. Required when project value exceeds statutory limits (see s.471.003)

**Mechanical Engineering** - HVAC systems design. Required for projects when system value exceeds statutory limits (see s.471.003)

**Plumbing Engineering** - Plumbing systems design. Required for projects when plumbing fixture count exceeds statutory limits (see s.471.003)

**Electrical Engineering** - Electrical systems design. Required for projects when service size exceeds statutory limits (see s.471.003)

**Fire Protection Engineering** - When fire sprinkler, fire alarm and fire protection systems are used

## 4. ONE AND TWO FAMILY DWELLINGS

**Architect** - May design one and two family dwellings and certify wind load calculations

**Structural Engineer** - May design one and two family dwellings and certify wind load Calculations.

*Note: Professional engineers may also be necessary when loads exceed certain limits per FBC-Residential R301*

*Each building code official should verify local ordinances or other requirements.*

## THE SUBMISSION OF PLANS AND OTHER DOCUMENTS

The Task Force acknowledges that there is an overlap among various design professions, both in the area of education and practices. While it is possible that a professional of one profession may competently perform certain aspects of another profession, Florida law and regulations place certain limitations on such activities.

Professional licensing laws require that all professionals practice within their respective areas of knowledge and expertise. As an example, a professional engineer who has an expertise in electrical engineering, but not in structural engineering, is not legally qualified to seal any aspects of projects involving structural engineering; yet there is no indication of this restriction on his or her seal or license. Conversely, the electrical professional engineer may have a project involving a power upgrade to a building that increases the number of required exits from the service entry room from one to two. Certainly, the professional engineer should be allowed to detail and specify the door, if it is within that professional engineer's knowledge and experience. It would be an arbitrary restriction to assert that since the professional engineer does not have an architectural seal, he or she cannot detail and specify the door.

Likewise, an architect may have a project that involves some structural, electrical and HVAC work. The training, examination and practice of the specific architect may qualify him or her to design these systems and therefore place their architectural seal on them, however, when placing their seal on engineering work the architect must follow the Responsibility Rules in Chapter 61G15-30.

The question is then not as narrow as “Who has which seal?” but also “Who has the appropriate experience and education to use their seal on the subject documents?”

The local building code officials in the various jurisdictions in the State of Florida are responsible for determining that the construction documents adequately describe a building project which, when completed, will meet the applicable codes and protect the health, safety and welfare of the public. While the local building code officials are reasonable in relying to a certain degree on the respective professional seal affixed to the construction documents, they have to keep in mind that they serve as a safety check point and must verify building code compliance.

When a design document does not comply with one or more building code provisions, a correction notice must be issued to inform the applicant that the plans must be revised and resubmitted. Design documents that are grossly non-code compliant may require additional actions that range from informal discussions with the design professional, to following the provisions of fs.553.781, or filing a formal written complaint to the appropriate licensing board.

The following procedure is suggested to local building code officials when they are presented with a set of multi-disciplined construction documents, and it appears to the building code official that the design professional that has sealed the construction documents may not be qualified in the subject area.

A. Review the submissions sealed by a licensed design professional without respect to the appropriateness of a particular seal. Following the review, contact the design professional whose seal appears on the construction documents and request an opportunity for review of the appropriateness of the seal applied in the specific case. As a result of

such review, changes to the documents and/or the involvement of another design professional may result.

B. When a local building code official is not satisfied with the results of this process, he or she could file a written complaint with the appropriate Design Board for investigation of his or her qualifications.

## WHAT DOES “PURELY INCIDENTAL” MEAN?

Florida Statutes make reference to the term “purely incidental” in the practice acts for architects and engineers. The meaning of “purely incidental” has sometimes been inconsistently applied and misunderstood by design professionals and building code officials. The term “purely incidental” is not intended to be an all-encompassing term and should not be used as a means of expanding the scope of practice for architects, civil engineers or structural engineers. The term purely incidental implies that such activities are not significant in nature as considered in the context of the work being performed.

A comprehensive way of considering “purely incidental” may be its relation to the education, training, and experience required for practice.

In any and all cases, the definition of “purely incidental” work is subject to:

- Professional judgment and exercise of due care by the design professional; and
- Licensing law, determination of the governing boards, administrative rules, and any existing case law.

When in the opinion of the building code official, it is determined the submitting design professional has submitted work under his/her seal, that is outside his/her area of licensed professional practice or outside the scope of expertise, proficiency, or competency, the building official could refer the matter to the appropriate professional regulating Board for further action.

To report the inappropriate practice of engineering, contact:

**Florida Board of Professional Engineers**

2507 Callaway Road, Suite 200

Tallahassee, Florida 32303-5268

Phone: 850-521-0500

[www.fbpe.org](http://www.fbpe.org)

To report the inappropriate practice of architecture, contact:

**Board of Architecture and Interior Design**

Division of Professions

1940 North Monroe Street

Tallahassee, FL 32399-0783

Phone: 850-487-1395

[www.myfloridalicense.com/dbpr/pro/arch/index.html](http://www.myfloridalicense.com/dbpr/pro/arch/index.html)

To report inappropriate practice by any person or firm regulated by DBPR, contact:

**Department of Business and Professional Regulation**

1940 North Monroe Street

Tallahassee, FL 32399-0783

Phone: 850-487-1395

<https://www.myfloridalicense.com/entercomplaint.asp?SID=>

## POTENTIAL RED FLAGS

Watch out for the following issues which may or may not show a design professional practicing outside the scope of their expertise, proficiency, or competency:

- Architect discipline drawings (“A” sheets) signed and sealed by an engineer.
- Engineering discipline drawings (“S”, “M”, “E”, “P”. Etc) signed and sealed by an architect
- Drawings and/or specifications signed and sealed by an individual who does not show a license number
- Drawings signed and sealed by an out-of-state design professional, or firm
- Title blocks that do not identify the design professional and his or her firm, their address, phone number and license number
- Incomplete or preliminary drawings that are not signed, sealed or dated
- Prototypical, standard drawings and specifications that do not bear the seal, signature and date of a Florida licensee
- Seals that appear to be “cut and pasted” onto the drawings or specifications.
- Individuals listed or named as architects or engineers who are not the persons sealing the drawings
- The architect or engineer is difficult or impossible to contact
- Drawings, specifications and details do not appear to apply to the project
- Drawings have serious and numerous code violations
- Revisions that are not dated and “clouded”
- Revisions missing seal, date and signature

What to do?

- Question the professional as to circumstances and qualifications
- Check the online rosters available for both architects and engineers to confirm that the sealing professional and firm is currently licensed
- Get the issue corrected - reject the drawings and specifications
- Do not issue a permit prior to addressing these items
- If necessary, file a complaint with the appropriate licensing board

## ACKNOWLEDGMENTS

AIA Florida / BOAF Joint Task Force  
FES / BOAF Joint Task Force  
Claudio Grande, CBO  
John O’Connor, CBO  
Doug Harvey  
Dan Kirby, AIA  
Richard J. Logan, AIA  
Thomas O’Brien, AIA, CBO

Brad Schiffer, AIA  
Larry M. Schneider, AIA  
Roger Jeffery, PE  
Doug Barkley, PE  
Steven C. Bassett, PE  
Stephen A Gaydosh, PE  
Robert Priolo, PE



## REFERENCES

*Note: References are provided for your convenience and are believed to be accurate at the date of publication; however, they are subject to change over time. Please verify current statutory and code language when evaluating compliance.*

### FLORIDA BUILDING CODE (2007)

#### **SECTION 106 CONSTRUCTION DOCUMENTS**

##### **106.1 Submittal documents.**

Construction documents, a statement of special inspections and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by Chapter 471, Florida Statutes or Chapter 481, Florida Statutes. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

##### **106.1.1 Information on construction documents.**

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official (see also Section 106.3.5 Minimum plan review criteria for buildings).

### FLORIDA STATE STATUTES (10/18/2010)

#### **471 ENGINEERING**

##### **471.003 Qualifications for practice; exemptions.—**

- (1) No person other than a duly licensed engineer shall practice engineering or use the name or title of “licensed engineer,” “professional engineer,” or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active license as an engineer in this state.
- (2) The following persons are not required to be licensed under the provisions of this chapter as a licensed engineer:

- (a) Any person practicing engineering for the improvement of, or otherwise affecting, property legally owned by her or him, unless such practice involves a public utility or the public health, safety, or welfare or the safety or health of employees. This paragraph shall not be construed as authorizing the practice of engineering through an agent or employee who is not duly licensed under the provisions of this chapter.

- (b)1. A person acting as a public officer employed by any state, county, municipal, or other governmental unit of this state when working on any project the total estimated cost of which is \$10,000 or less.

2. Persons who are employees of any state, county, municipal, or other governmental unit of this state and who are the subordinates of a person in responsible charge licensed under this chapter, to the extent that the supervision meets standards adopted by rule of the board.

- (c) Regular full-time employees of a corporation not engaged in the practice of engineering as such, whose practice of engineering for such corporation is limited to the design or fabrication of manufactured products and servicing of such products.

- (d) Regular full-time employees of a public utility or other entity subject to regulation by the Florida Public Service Commission, Federal Energy Regulatory Commission, or Federal Communications Commission.

- (e) Employees of a firm, corporation, or partnership who are the subordinates of a person in responsible charge, licensed under this chapter.
- (f) Any person as contractor in the execution of work designed by a professional engineer or in the supervision of the construction of work as a foreman or superintendent.
- (g) A licensed surveyor and mapper who takes, or contracts for, professional engineering services incidental to her or his practice of surveying and mapping and who delegates such engineering services to a licensed professional engineer qualified within her or his firm or contracts for such professional engineering services to be performed by others who are licensed professional engineers under the provisions of this chapter.

#### 471.003 Qualifications for practice; exemptions.

- (h) Any electrical, plumbing, air conditioning, or mechanical contractor whose practice includes the design and fabrication of electrical, plumbing, air conditioning, or mechanical systems, respectively, which she or he installs by virtue of a license issued under chapter 489, under part I of chapter 553, or under any special act or ordinance when working on any construction project which:

1. Requires an electrical or plumbing or air conditioning and refrigeration system with a value of \$125,000 or less; and
2.
  - a. (Electrical) Requires an aggregate service capacity of 600 amperes (240 volts) or less on a residential electrical system or 800 amperes (240 volts) or less on a commercial or industrial electrical system;
  - b. (Plumbing) Requires a plumbing system with fewer than 250 fixture units; or
  - c. (HVAC) Requires a heating, ventilation, and air conditioning system not to exceed a 15 ton per system capacity, or if the project is designed to accommodate 100 or fewer persons

- (i) Any general contractor, certified or registered pursuant to the provisions of chapter 489, when negotiating or performing services under a design-build contract as long as the engineering services offered or rendered in connection with the contract are offered and rendered by an engineer licensed in accordance with this chapter.

(3) Notwithstanding the provisions of this chapter or of any other law, no licensed engineer whose principal practice is civil or structural engineering, or employee or subordinate under the responsible supervision or control of the engineer, is precluded from performing architectural services which are purely incidental to her or his engineering practice, nor is any licensed architect, or employee or subordinate under the responsible supervision or control of the architect, precluded from performing engineering services which are purely incidental to her or his architectural practice. However, no engineer shall practice architecture or use the designation “architect” or any term derived there from, and no architect shall practice engineering or use the designation “engineer” or any term derived there from.

#### 471.005 Definitions. As used in this chapter, the term:

- (7) “Engineering” includes the term “professional engineering” and means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, teaching of the principles and methods of engineering design, engineering surveys, and the inspection of construction for the purpose of determining in general if the work is proceeding in compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services. A person who practices any branch of engineering;



who, by verbal claim, sign, advertisement, letterhead, or card, or in any other way, represents himself or herself to be an engineer or, through the use of some other title, implies that he or she is an engineer or that he or she is licensed under this chapter; or who holds himself or herself out as able to perform, or does perform, any engineering service or work or any other service designated by the practitioner which is recognized as engineering.

#### *481 ARCHITECTURE, INTERIOR DESIGN AND LANDSCAPE ARCHITECTURE*

481.203 Definitions. As used in this part:

- (3) “Architect” or “registered architect” means a natural person who is licensed under this part to engage in the practice of architecture.
- (6) “Architecture” means the rendering or offering to render services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. These services include planning, providing preliminary study designs, drawings and specifications, job site inspection, and administration of construction contracts.
- (8) “Interior design” means designs, consultations, studies, drawings, specifications, and administration of design construction contracts relating to nonstructural interior elements of a building or structure. “Interior design” includes, but is not limited to, reflected ceiling plans, space planning, furnishings, and the fabrication of nonstructural elements within and surrounding interior spaces of buildings. “Interior design” specifically excludes the design of or the responsibility for architectural and engineering work, except for specification of fixtures and their location within interior spaces. As used in this subsection, “architectural and engineering interior construction relating to the building systems” includes, but is not limited to, construction of structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems, or construction which materially affects life-safety systems pertaining to fire-safety protection such as fire rated separations between interior spaces, fire rated vertical shafts in multistory structures, fire rated protection of structural elements, smoke evacuation and compartmentalization, emergency ingress or egress systems, and emergency alarm systems.

481.229 Exceptions; exemptions from licensure.

- (1) No person shall be required to qualify as an architect in order to make plans and specifications for, or supervise the erection, enlargement, or alteration of:
  - (a) Any building upon any farm for the use of any farmer, regardless of the cost of the building;
  - (b) Any one-family or two-family residence building, townhouse, or domestic outbuilding appurtenant to any one-family or two-family residence, regardless of cost; or
  - (c) Any other type of building costing less than \$25,000, except a school, auditorium, or other building intended for public use, provided that the services of a registered architect shall not be required for minor school projects pursuant to s. 1013.45.
- (4) Notwithstanding the provisions of this part or of any other law, no registered engineer whose principal practice is civil or structural engineering, or employee or subordinate under the responsible supervision or control of the engineer, is precluded from performing architectural services which are purely incidental to his or her engineering practice, nor is any registered architect, or employee or subordinate under the responsible supervision or control of such architect, precluded from performing engineering services which are purely incidental to his or her architectural practice. However, no engineer shall practice architecture or use the designation “architect” or any term derived there from, and no architect shall practice engineering or use the designation “engineer” or any term derived there from.

#### 481.303 Definitions

- (6) “Landscape architecture” means professional services, including, but not limited to, the following:
- (a) Consultation, investigation, research, planning, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas, including the use of Florida-friendly landscaping as defined in s.373.185, where, and to the extent that, the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values;
  - (b) The determination of settings, grounds, and approaches for and the siting of buildings and structures, outdoor areas, or other improvements;
  - (c) The setting of grades, shaping and contouring of land and water forms, determination of drainage, and provision for storm drainage and irrigation systems where such systems are necessary to the purposes outlined herein; and
  - (d) The design of such tangible objects and features as are necessary to the purpose outlined herein.
- (7) “Landscape design” means consultation for and preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials. Such plans may include only recommendations for the conceptual placement of tangible objects for landscape design projects. Construction documents, details, and specifications for tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by law.

#### 553 BUILDING CONSTRUCTION STANDARDS

##### 553.781 Licensee accountability.

- (1) The Legislature finds that accountability for work performed by design professionals and contractors is the key to strong and consistent compliance with the Florida Building Code and, therefore, protection of the public health, safety, and welfare. The purpose of this section is to provide such accountability.
- (2) (a) Upon a determination by a local jurisdiction that a licensee, certificateholder, or registrant licensed under chapter 455, chapter 471, chapter 481, or chapter 489 has committed a material violation of the Florida Building Code and failed to correct the violation within a reasonable time, such local jurisdiction shall impose a fine of no less than \$500 and no more than \$5,000 per material violation.
- (b) If the licensee, certificate holder, or registrant disputes the violation within 30 days following notification by the local jurisdiction, the fine is abated and the local jurisdiction shall report the dispute to the Department of Business and Professional Regulation or the appropriate professional licensing board for disciplinary investigation and final disposition. If an administrative complaint is filed by the department or the professional licensing board against the certificate holder or registrant, the commission may intervene in such proceeding. Any fine imposed by the department or the professional licensing board, pursuant to matters reported by the local jurisdiction to the department or the professional licensing board, shall be divided equally between the board and the local jurisdiction which reported the violation.
- (3) The Department of Business and Professional Regulation, as an integral part of the automated information system provided under s. 455.2286, shall establish, and local jurisdictions and state licensing boards shall participate in, a system of reporting violations and disciplinary actions taken against all licensees, certificate holders, and registrants under this section that have been disciplined for a violation of the Florida Building Code. Such information shall be available electronically. Any fines collected by a local jurisdiction pursuant to subsection (2) shall be used initially to help set up the parts of the reporting system for which such local jurisdiction is responsible. Any remaining moneys shall be used solely for enforcing the Florida Building Code, licensing activities relating to the Florida Building Code, or education and training on the Florida Building Code.

(4) Local jurisdictions shall maintain records, readily accessible by the public, regarding material violations and shall report such violations to the Department of Business and Professional Regulation by means of the reporting system provided in s. 455.2286.

For purposes of this section, a material code violation is a violation that exists within a completed building, structure, or facility which may reasonably result, or has resulted, in physical harm to a person or significant damage to the performance of a building or its systems. Except when the fine is abated as provided in subsection (2), failure to pay the fine within 30 days shall result in a suspension of the licensee's, certificate holder's, or registrant's ability to obtain permits within this state until such time as the fine is paid. Such suspension shall be reflected on the automated information system under s. 455.2286.

Select Year:

## The 2011 Florida Statutes

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### Title XXXII

#### REGULATION OF PROFESSIONS AND OCCUPATIONS

### Chapter 489

#### CONTRACTING

### [View Entire Chapter](#)

#### **489.113 Qualifications for practice; restrictions.—**

(1) Any person who desires to engage in contracting on a statewide basis shall, as a prerequisite thereto, establish his or her competency and qualifications to be certified pursuant to this part. To establish competency, a person shall pass the appropriate examination approved by the board and certified by the department. Any person who desires to engage in contracting on other than a statewide basis shall, as a prerequisite thereto, be registered pursuant to this part, unless exempted by this part.

(2) No person who is not certified or registered shall engage in the business of contracting in this state. However, for purposes of complying with the provisions of this chapter, a person who is not certified or registered may perform construction work under the supervision of a person who is certified or registered, provided that the work is within the scope of the supervisor's license and provided that the person being supervised is not engaged in construction work which would require a license as a contractor under any of the categories listed in s. [489.105\(3\)\(d\)-\(o\)](#). This subsection does not affect the application of any local construction licensing ordinances. To enforce this subsection:

(a) The department shall issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provision of such order.

(b) A county, municipality, or local licensing board created by special act may issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part.

(3) A contractor shall subcontract all electrical, mechanical, plumbing, roofing, sheet metal, swimming pool, and air-conditioning work, unless such contractor holds a state certificate or registration in the respective trade category, however:

(a) A general, building, or residential contractor, except as otherwise provided in this part, shall be responsible for any construction or alteration of a structural component of a building or structure, and any certified general contractor or certified underground utility and excavation contractor may perform clearing and grubbing, grading, excavation, and other site work for any construction project in the state. Any certified building contractor or certified residential contractor may perform clearing and grubbing, grading, excavation, and other site work for any construction project in this state, limited to the lot on which any specific building is located.

(b) A general, building, or residential contractor shall not be required to subcontract the installation, or repair made under warranty, of wood shingles, wood shakes, or asphalt or fiberglass shingle roofing materials on a new building of his or her own construction.

(c) A general contractor shall not be required to subcontract structural swimming pool work. All other swimming pool work shall be subcontracted to an appropriately licensed certified or registered swimming pool contractor.

(d) A general contractor shall not be required to subcontract the construction of a main sanitary sewer collection system, storm collection system, or water distribution system, not including the continuation of utility lines from the mains to the buildings, and may perform any of the services, on public or private property, for which a license as an underground utility and excavation contractor is required under this part.

(e) A general contractor shall not be required to subcontract the continuation of utility lines from the mains in mobile home parks, and such continuations are to be considered a part of the main sewer collection and main water distribution systems.

(f) A solar contractor shall not be required to subcontract minor, as defined by board rule, electrical, mechanical, plumbing, or roofing work so long as that work is within the scope of the license held by the solar contractor and where such work exclusively pertains to the installation of residential solar energy equipment as defined by rules of the board adopted in conjunction with the Electrical Contracting Licensing Board.

(g) No general, building, or residential contractor certified after 1973 shall act as, hold himself or herself out to be, or advertise himself or herself to be a roofing contractor unless he or she is certified or registered as a roofing contractor.

(4)(a) When a certificateholder desires to engage in contracting in any area of the state, as a prerequisite therefor, he or she shall be required only to exhibit to the local building official, tax collector, or other person in charge of the issuance of licenses and building permits in the area evidence of holding a current certificate and to pay the fee for the occupational license and building permit required of other persons.

(b) Notwithstanding the provisions of paragraph (a), a local construction regulation board may deny, suspend, or revoke the authority of a certified contractor to obtain a building permit or limit such authority to obtaining a permit or permits with specific conditions, if the local construction regulation board has found such contractor, through the public hearing process, to be guilty of fraud or a willful building code violation within the county or municipality that the local construction regulation board represents or if the local construction regulation board has proof that such contractor, through the public hearing process, has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and finds, after providing notice of an opportunity to be heard to the contractor, that such fraud or violation would have been fraud or a violation if committed in the county or municipality that the local construction board represents. Notification of and information concerning such permit denial shall be submitted to the department within 15 days after the local construction regulation board decides to deny the permit.

(c) The local government may also deny issuance of, or may suspend, any outstanding building permit where a contractor fails or refuses to provide proof of public liability and property damage insurance coverage as required by s. 489.115(5) and workers' compensation insurance coverage as required by s. 489.114.

(d) It is the policy of the state that the purpose of regulation is to protect the public by attaining compliance with the policies established in law. Fines and other penalties are provided in order to ensure compliance; however, the collection of fines and the imposition of penalties are intended to be secondary to the primary goal of attaining compliance with state laws and local jurisdiction ordinances. It is the intent of the Legislature that a local jurisdiction agency charged with enforcing regulatory laws shall issue a notice of noncompliance as its first response to a minor violation of a regulatory law in any instance in which it is reasonable to assume that the violator was unaware of such a law or unclear as to how to comply with it. A violation of a regulatory law is a "minor violation" if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. A "notice of noncompliance" is a notification by the local jurisdiction agency charged with enforcing the ordinance, which is issued to the licensee that is subject to the ordinance. A notice of noncompliance should not be accompanied with a fine or other disciplinary penalty. It should identify the specific ordinance that is being violated, provide information on how to comply with the ordinance, and specify a reasonable time for the violator to comply with the ordinance. Failure of a licensee to take action correcting the violation within a set period of time would then result in the institution of further disciplinary proceedings.

(5) The certificate is not transferable.

(6) The board shall, by rule, designate those types of specialty contractors which may be certified under this part. The limit of the scope of work and responsibility of a specialty contractor shall be established by the board by rule. However, a certified specialty contractor category established by board rule exists as a voluntary statewide licensing category and does not create a mandatory licensing requirement. Any mandatory statewide construction contracting licensure requirement may only be established through specific statutory provision.

(7) If an eligible applicant fails any contractor's written examination, except the general and building contractors' examination, and provides the board with acceptable proof of lack of comprehension of written examinations, the applicant may petition the board to be administered a uniform oral examination, subject to the following conditions:

(a) The applicant documents 10 years of experience in the appropriate construction craft.

(b) The applicant files written recommendations concerning his or her competency in the appropriate construction craft.

(c) The applicant is administered only one oral examination within a period of 1 year.

(8) Any public record of the board, when certified by the executive director of the board or the executive director's representative, may be received as prima facie evidence in any administrative or judicial proceeding.

(9)(a) This part does not prevent any contractor from acting as a prime contractor where the majority of the work to be performed under the contract is within the scope of his or her license or from subcontracting to other licensed contractors that remaining work which is part of the project contracted.

(b) This part, chapter 471, chapter 481, or any other provision of law does not:

1. Prevent any licensed engineer or architect from contracting directly with a licensed contractor for the preparation of plans, specifications, or a master design manual addressing structural designs used to make an application for building permits.

2. Require a licensed engineer or architect, when preparing drawings, specifications, plans, or master design manuals for use by any licensed contractor, to prepare site-specific drawings, specifications, or plans for the design and construction of single-family and two-family dwellings; swimming pools, spas, or screened enclosures; or any other structure not exceeding 1,200 square feet or one story in height. For the purpose of issuing building permits, local building officials shall accept such drawings, specifications, or plans when submitted by any licensed contractor. Upon good cause shown, local government code enforcement agencies may accept or reject plans prepared by persons licensed under chapter 471, chapter 481, or this chapter.

As used in this section, the term "master design manual" means a restrictive design manual intended to be used to design, permit, and construct structures as described in this section. Any such manual must be prepared by a licensed engineer or architect and specifically detail the limits of its use, including, but not limited to, the structure type, size, materials, loading conditions, time limits, applicable codes, and associated criteria. The manual must also detail the required training for the contractor, engineer, or architect using the manual. All master design manuals must be peer reviewed by an independent licensed engineer or architect having no financial interest in the development of the manual or the construction of structures pursuant to the manual. The engineer or architect conducting the peer review must be identified in the manual.

(c) Notwithstanding anything in this chapter or any other provision of law, a licensed engineer or architect is not required for the preparation or use of any design guide adopted by the Florida building Commission as part of the building code pursuant to s. 553.73.

(10) The addition of a new type of contractor or the expansion of the scope of practice of any type of contractor under this part shall not limit the scope of practice of any existing type of contractor under this part unless the Legislature expressly provides such a limitation.

**History.**—ss. 6, 17, ch. 79-200; ss. 3, 4, ch. 80-85; ss. 2, 3, ch. 81-318; s. 2, ch. 85-290; ss. 28, 31, ch. 86-159; s. 3, ch. 87-235; s. 13, ch. 87-310; s. 7, ch. 87-374; ss. 7, 20, 21, ch. 88-156; s. 32, ch. 89-374; s. 43, ch. 90-228; s. 67, ch. 91-137; s. 4, ch. 91-429; s. 59, ch.

92-149; ss. 2, 6, ch. 93-154; s. 8, ch. 93-166; s. 186, ch. 94-218; s. 481, ch. 97-103; s. 6, ch. 97-228; s. 25, ch. 98-419; s. 4, ch. 2003-257; s. 8, ch. 2007-227.

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Select Year: 2011 Go

## The 2011 Florida Statutes

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[Title XXXII](#)  
REGULATION OF PROFESSIONS AND OCCUPATIONS

[Chapter 471](#)  
ENGINEERING

[View Entire Chapter](#)

### CHAPTER 471 ENGINEERING

- 471.001 Purpose.
- 471.003 Qualifications for practice; exemptions.
- 471.0035 Instructors in postsecondary educational institutions; exemption from licensure requirement.
- 471.005 Definitions.
- 471.007 Board of Professional Engineers.
- 471.008 Rulemaking authority.
- 471.009 Board headquarters.
- 471.011 Fees.
- 471.013 Examinations; prerequisites.
- 471.015 Licensure.
- 471.017 Renewal of license.
- 471.019 Reactivation.
- 471.0195 Florida Building Code training for engineers.
- 471.021 Engineers and firms of other states; temporary certificates to practice in Florida.
- 471.023 Certification of business organizations.
- 471.025 Seals.
- 471.027 Engineers authorized to enter lands of third parties under certain conditions.
- 471.031 Prohibitions; penalties.
- 471.033 Disciplinary proceedings.
- 471.037 Effect of chapter locally.
- 471.038 Florida Engineers Management Corporation.
- 471.0385 Court action; effect.
- 471.045 Professional engineers performing building code inspector duties.

**471.001 Purpose.**—The Legislature deems it necessary in the interest of public health and safety to regulate the practice of engineering in this state.

**History.**—ss. 1, 42, ch. 79-243; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 5, ch. 2000-332.

**471.003 Qualifications for practice; exemptions.**—

(1) No person other than a duly licensed engineer shall practice engineering or use the name or title of “licensed engineer,” “professional engineer,” or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active license as an engineer in this state.

(2) The following persons are not required to be licensed under the provisions of this chapter as a licensed engineer:



(a) Any person practicing engineering for the improvement of, or otherwise affecting, property legally owned by her or him, unless such practice involves a public utility or the public health, safety, or welfare or the safety or health of employees. This paragraph shall not be construed as authorizing the practice of engineering through an agent or employee who is not duly licensed under the provisions of this chapter.

(b)1. A person acting as a public officer employed by any state, county, municipal, or other governmental unit of this state when working on any project the total estimated cost of which is \$10,000 or less.

2. Persons who are employees of any state, county, municipal, or other governmental unit of this state and who are the subordinates of a person in responsible charge licensed under this chapter, to the extent that the supervision meets standards adopted by rule of the board.

(c) Regular full-time employees of a corporation not engaged in the practice of engineering as such, whose practice of engineering for such corporation is limited to the design or fabrication of manufactured products and servicing of such products.

(d) Regular full-time employees of a public utility or other entity subject to regulation by the Florida Public Service Commission, Federal Energy Regulatory Commission, or Federal Communications Commission.

(e) Employees of a firm, corporation, or partnership who are the subordinates of a person in responsible charge, licensed under this chapter.

(f) Any person as contractor in the execution of work designed by a professional engineer or in the supervision of the construction of work as a foreman or superintendent.

(g) A licensed surveyor and mapper who takes, or contracts for, professional engineering services incidental to her or his practice of surveying and mapping and who delegates such engineering services to a licensed professional engineer qualified within her or his firm or contracts for such professional engineering services to be performed by others who are licensed professional engineers under the provisions of this chapter.

(h) Any electrical, plumbing, air-conditioning, or mechanical contractor whose practice includes the design and fabrication of electrical, plumbing, air-conditioning, or mechanical systems, respectively, which she or he installs by virtue of a license issued under chapter 489, under part I of chapter 553, or under any special act or ordinance when working on any construction project which:

1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of \$125,000 or less; and

2.a. Requires an aggregate service capacity of 600 amperes (240 volts) or less on a residential electrical system or 800 amperes (240 volts) or less on a commercial or industrial electrical system;

b. Requires a plumbing system with fewer than 250 fixture units; or

c. Requires a heating, ventilation, and air-conditioning system not to exceed a 15-ton-per-system capacity, or if the project is designed to accommodate 100 or fewer persons.

(i) Any general contractor, certified or registered pursuant to the provisions of chapter 489, when negotiating or performing services under a design-build contract as long as the engineering services offered or rendered in connection with the contract are offered and rendered by an engineer licensed in accordance with this chapter.

(j) Any defense, space, or aerospace company, whether a sole proprietorship, firm, limited liability company, partnership, joint venture, joint stock association, corporation, or other business entity, subsidiary, or affiliate, or any employee, contract worker, subcontractor, or independent contractor of the defense, space, or aerospace company who provides engineering for aircraft, space launch vehicles, launch services, satellites, satellite services, or other defense, space, or aerospace-related product or services, or components thereof.

(3) Notwithstanding the provisions of this chapter or of any other law, no licensed engineer whose principal practice is civil or structural engineering, or employee or subordinate under the responsible supervision or control of the engineer, is precluded from performing architectural services which are purely incidental to her or his engineering practice, nor is any licensed architect, or employee or subordinate under the responsible supervision or control of the architect, precluded from performing engineering services which are purely

incidental to her or his architectural practice. However, no engineer shall practice architecture or use the designation "architect" or any term derived therefrom, and no architect shall practice engineering or use the designation "engineer" or any term derived therefrom.

**History.**—ss. 10, 42, ch. 79-243; ss. 3, 10, ch. 81-302; ss. 2, 3, ch. 81-318; s. 5, ch. 82-179; s. 3, ch. 83-160; ss. 46, 119, ch. 83-329; s. 1, ch. 85-134; s. 57, ch. 87-225; s. 2, ch. 87-341; s. 2, ch. 87-349; ss. 1, 14, 15, ch. 89-30; s. 1, ch. 89-115; s. 67, ch. 89-162; s. 4, ch. 91-429; ss. 80, 118, ch. 94-119; s. 330, ch. 97-103; s. 65, ch. 98-287; s. 31, ch. 2000-356; s. 16, ch. 2002-299; s. 1, ch. 2003-425; s. 4, ch. 2004-332; s. 64, ch. 2009-195.

**471.0035 Instructors in postsecondary educational institutions; exemption from licensure requirement.**—For the sole purpose of teaching the principles and methods of engineering design, notwithstanding the provisions of s. 471.005(7), a person employed by a public postsecondary educational institution, or by an independent postsecondary educational institution licensed or exempt from licensure pursuant to the provisions of chapter 1005, is not required to be licensed under the provisions of this chapter as a professional engineer.

**History.**—s. 11, ch. 99-252; s. 32, ch. 2000-356; s. 4, ch. 2000-372; s. 17, ch. 2002-299; s. 1017, ch. 2002-387.

**471.005 Definitions.**—As used in this chapter, the term:

- (1) "Board" means the Board of Professional Engineers.
- (2) "Board of directors" means the board of directors of the Florida Engineers Management Corporation.
- (3) "Certificate of authorization" means a license to practice engineering issued by the management corporation to a corporation or partnership.
- (4) "Department" means the Department of Business and Professional Regulation.
- (5) "Engineer" includes the terms "professional engineer" and "licensed engineer" and means a person who is licensed to engage in the practice of engineering under this chapter.
- (6) "Engineer intern" means a person who has graduated from an engineering curriculum approved by the board and has passed the fundamentals of engineering examination as provided by rules adopted by the board.
- (7) "Engineering" includes the term "professional engineering" and means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, teaching of the principles and methods of engineering design, engineering surveys, and the inspection of construction for the purpose of determining in general if the work is proceeding in compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services. A person who practices any branch of engineering; who, by verbal claim, sign, advertisement, letterhead, or card, or in any other way, represents himself or herself to be an engineer or, through the use of some other title, implies that he or she is an engineer or that he or she is licensed under this chapter; or who holds himself or herself out as able to perform, or does perform, any engineering service or work or any other service designated by the practitioner which is recognized as engineering shall be construed to practice or offer to practice engineering within the meaning and intent of this chapter.
- (8) "License" means the licensing of engineers or certification of businesses to practice engineering in this state.
- (9) "Management corporation" means the Florida Engineers Management Corporation.
- (10) "Retired professional engineer" or "professional engineer, retired" means a person who has been duly licensed as a professional engineer by the board and who chooses to relinquish or not to renew his or her license and applies to and is approved by the board to be granted the title "Professional Engineer, Retired."

(11) "Secretary" means the Secretary of Business and Professional Regulation.

(12) "Space or aerospace company" means any business entity concerned with the design, manufacture, or support of aircraft, rockets, missiles, spacecraft, satellites, space vehicles, space stations, space facilities, or components thereof, and equipment, systems, facilities, simulators, programs, products, services, and activities related thereto.

(13) "Defense company" means any business entity that holds a valid Department of Defense contract or any business entity that is a subcontractor under a valid Department of Defense contract. The term includes any business entity that holds valid contracts or subcontracts for products or services for military use under prime contracts with the United States Department of Defense, the United States Department of State, or the United States Coast Guard.

**History.**—ss. 2, 42, ch. 79-243; ss. 4, 10, ch. 81-302; ss. 2, 3, ch. 81-318; s. 4, ch. 83-160; s. 4, ch. 84-365; ss. 2, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 151, ch. 94-218; s. 331, ch. 97-103; s. 33, ch. 2000-356; s. 3, ch. 2000-372; s. 18, ch. 2002-299; s. 2, ch. 2003-425.

**471.007 Board of Professional Engineers.**—There is created in the department the Board of Professional Engineers. The board shall consist of 11 members, nine of whom shall be licensed engineers and two of whom shall be laypersons who are not and have never been engineers or members of any closely related profession or occupation. Of the members who are licensed engineers, three shall be civil engineers, one shall be a structural engineer, one shall be either an electrical or electronic engineer, one shall be a mechanical engineer, one shall be an industrial engineer, one shall be an engineering educator, and one shall be from any discipline of engineering other than civil engineering. Members shall be appointed by the Governor for terms of 4 years each.

**History.**—ss. 3, 42, ch. 79-243; ss. 5, 9, 10, ch. 81-302; ss. 2, 3, ch. 81-318; ss. 3, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 152, ch. 94-218; s. 19, ch. 2002-299; s. 1, ch. 2004-332.

**471.008 Rulemaking authority.**—The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of this chapter or chapter 455 conferring duties upon it.

**History.**—s. 1, ch. 87-341; s. 1, ch. 87-349; s. 1, ch. 88-303; ss. 4, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 109, ch. 98-166; s. 142, ch. 98-200; s. 170, ch. 2000-160.

**471.009 Board headquarters.**—The location of the Board of Professional Engineers shall be in Leon County.

**History.**—ss. 3, 42, ch. 79-243; ss. 6, 10, ch. 81-302; ss. 2, 3, ch. 81-318; ss. 5, 14, 15, ch. 89-30; s. 4, ch. 91-429.

#### **471.011 Fees.**—

(1) The board by rule may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, and recordmaking and recordkeeping. The board may also establish by rule a delinquency fee. The board shall establish fees that are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement this chapter and the provisions of law with respect to the regulation of engineers.

(2) The initial application and examination fee shall not exceed \$125 plus the actual per applicant cost to the management corporation to purchase the examination from the National Council of Examiners for Engineering and Surveying or a similar national organization. The examination fee shall be in an amount which covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee shall be nonrefundable.

(3) The initial license fee shall not exceed \$125.

(4) The fee for a certificate of authorization shall not exceed \$125.

(5) The biennial renewal fee shall not exceed \$125.

(6) The fee for a temporary registration or certificate to practice engineering shall not exceed \$25 for an individual or \$50 for a business firm.

(7) The fee for licensure by endorsement shall not exceed \$150.

(8) The fee for application for inactive status or for reactivation of an inactive license shall not exceed \$150.

**History.**—ss. 4, 42, ch. 79-243; ss. 2, 3, ch. 81-318; s. 20, ch. 88-205; ss. 6, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 212, ch. 94-119; s. 1, ch. 97-312; s. 34, ch. 2000-356; s. 5, ch. 2000-372.

#### **471.013 Examinations; prerequisites.—**

(1)(a) A person shall be entitled to take an examination for the purpose of determining whether she or he is qualified to practice in this state as an engineer if the person is of good moral character and:

1. Is a graduate from an approved engineering curriculum of 4 years or more in a school, college, or university which has been approved by the board and has a record of 4 years of active engineering experience of a character indicating competence to be in responsible charge of engineering;
2. Is a graduate of an approved engineering technology curriculum of 4 years or more in a school, college, or university within the State University System, having been enrolled or having graduated prior to July 1, 1979, and has a record of 4 years of active engineering experience of a character indicating competence to be in responsible charge of engineering; or
3. Has, in lieu of such education and experience requirements, 10 years or more of active engineering work of a character indicating that the applicant is competent to be placed in responsible charge of engineering. However, this subparagraph does not apply unless such person notifies the department before July 1, 1984, that she or he was engaged in such work on July 1, 1981.

The board shall adopt rules providing for the review and approval of schools or colleges and the courses of study in engineering in such schools and colleges. The rules shall be based on the educational requirements for engineering as defined in s. 471.005. The board may adopt rules providing for the acceptance of the approval and accreditation of schools and courses of study by a nationally accepted accreditation organization.

(b) A person shall be entitled to take the fundamentals examination for the purpose of determining whether she or he is qualified to practice in this state as an engineer intern if she or he is in the final year of, or is a graduate of, an approved engineering curriculum in a school, college, or university approved by the board.

(c) A person shall not be entitled to take the principles and practice examination until that person has successfully completed the fundamentals examination.

(d) The board shall deem that an applicant who seeks licensure by examination has passed the fundamentals examination when such applicant has received a doctorate degree in engineering from an institution that has an undergraduate engineering program that is accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., and has taught engineering full time for at least 3 years, at the baccalaureate level or higher, after receiving that degree.

(e) Every applicant who is qualified to take the fundamentals examination or the principles and practice examination shall be allowed to take either examination three times, notwithstanding the number of times either examination has been previously failed. If an applicant fails either examination three times, the board shall require the applicant to complete additional college-level education courses as a condition of future eligibility to take that examination.

(2)(a) The board may refuse to certify an applicant for failure to satisfy the requirement of good moral character only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensed engineer; and
2. The finding by the board of lack of good moral character is supported by clear and convincing evidence.

(b) When an applicant is found to be unqualified for a license because of a lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

**History.**—ss. 5, 42, ch. 79-243; s. 340, ch. 81-259; ss. 7, 10, ch. 81-302; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 141, ch. 92-149; s. 332, ch. 97-103; s. 20, ch. 2002-299; s. 1, ch. 2003-293; s. 2, ch. 2004-332.

#### **471.015 Licensure.—**

(1) The management corporation shall issue a license to any applicant who the board certifies is qualified to practice engineering and who has passed the fundamentals examination and the principles and practice examination.

(2) The board shall certify for licensure any applicant who satisfies the requirements of s. 471.013. The board may refuse to certify any applicant who has violated any of the provisions of s. 471.031.

(3) The board shall certify as qualified for a license by endorsement an applicant who:

(a) Qualifies to take the fundamentals examination and the principles and practice examination as set forth in s. 471.013, has passed a United States national, regional, state, or territorial licensing examination that is substantially equivalent to the fundamentals examination and principles and practice examination required by s. 471.013, and has satisfied the experience requirements set forth in s. 471.013; or

(b) Holds a valid license to practice engineering issued by another state or territory of the United States, if the criteria for issuance of the license were substantially the same as the licensure criteria that existed in this state at the time the license was issued.

(4) The management corporation shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of this chapter or of chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

(5)(a) The board shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination when such applicant:

1. Has held a valid professional engineer's license in another state for 15 years and has had 20 years of continuous professional-level engineering experience;

2. Has received a doctorate degree in engineering from an institution that has an undergraduate engineering degree program which is accredited by the Accreditation Board for Engineering Technology; or

3. Has received a doctorate degree in engineering and has taught engineering full time for at least 3 years, at the baccalaureate level or higher, after receiving that degree.

(b) The board shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination and the principles and practices examination when such applicant has held a valid professional engineer's license in another state for 25 years and has had 30 years of continuous professional-level engineering experience.

(6) The board may require a personal appearance by any applicant for licensure under this chapter. Any applicant of whom a personal appearance is required must be given adequate notice of the time and place of the appearance and provided with a statement of the purpose of and reasons requiring the appearance.

(7) The board shall, by rule, establish qualifications for certification of licensees as special inspectors of threshold buildings, as defined in ss. 553.71 and 553.79, and shall compile a list of persons who are certified. A special inspector is not required to meet standards for certification other than those established by the board, and the fee owner of a threshold building may not be prohibited from selecting any person certified by the board to be a special inspector. The board shall develop minimum qualifications for the qualified representative of the special inspector who is authorized to perform inspections of threshold buildings on behalf of the special inspector under s. 553.79.

**History.**—ss. 6, 42, ch. 79-243; ss. 2, 3, ch. 81-318; s. 2, ch. 85-134; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; ss. 82, 216, ch. 94-119; s. 32, ch. 95-392; s. 110, ch. 98-166; s. 37, ch. 2000-141; s. 171, ch. 2000-160; s. 35, ch. 2000-356; s. 6, ch. 2000-372; s. 21, ch. 2002-299; s. 2, ch. 2003-293.

#### **471.017 Renewal of license.—**

(1) The management corporation shall renew a license upon receipt of the renewal application and fee.

(2) The board shall adopt rules establishing a procedure for the biennial renewal of licenses.



(3) The board shall require a demonstration of continuing professional competency of engineers as a condition of license renewal or relicensure. Every licensee must complete 4 professional development hours, for each year of the license renewal period. For each renewal period for such continuing education, 4 hours shall relate to this chapter and the rules adopted under this chapter and the remaining 4 hours shall relate to the licensee's area of practice. The board shall adopt rules that are consistent with the guidelines of the National Council of Examiners for Engineering and Surveying for multijurisdictional licensees for the purpose of avoiding proprietary continuing professional competency requirements and shall allow nonclassroom hours to be credited. The board may, by rule, exempt from continuing professional competency requirements retired professional engineers who no longer sign and seal engineering documents and licensees in unique circumstances that severely limit opportunities to obtain the required professional development hours.

**History.**—ss. 7, 42, ch. 79-243; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 213, ch. 94-119; s. 11, ch. 98-287; s. 36, ch. 2000-356; s. 7, ch. 2000-372.

**471.019 Reactivation.**—The board shall prescribe by rule continuing education requirements for reactivating a license. The continuing education requirements for reactivating a license for a licensed engineer may not exceed 12 classroom hours for each year the license was inactive.

**History.**—ss. 8, 42, ch. 79-243; s. 341, ch. 81-259; ss. 2, 3, ch. 81-318; s. 104, ch. 83-329; ss. 7, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 214, ch. 94-119; s. 12, ch. 98-287; s. 37, ch. 2000-356; s. 22, ch. 2002-299.

**471.0195 Florida Building Code training for engineers.**—All licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code shall take continuing education courses and submit proof to the board, at such times and in such manner as established by the board by rule, that the licensee has completed any specialized or advanced courses on any portion of the Florida Building Code applicable to the licensee's area of practice. The board shall record reported continuing education courses on a system easily accessed by code enforcement jurisdictions for evaluation when determining license status for purposes of processing design documents. Local jurisdictions shall be responsible for notifying the board when design documents are submitted for building construction permits by persons who are not in compliance with this section. The board shall take appropriate action as provided by its rules when such noncompliance is determined to exist.

**History.**—s. 38, ch. 2000-356; s. 23, ch. 2002-299; s. 12, ch. 2009-195.

**471.021 Engineers and firms of other states; temporary certificates to practice in Florida.**—

(1) Upon approval of the board and payment of the fee set in s. 471.011, the management corporation shall issue a temporary license for work on one specified project in this state for a period not to exceed 1 year to an engineer holding a certificate to practice in another state, provided Florida licensees are similarly permitted to engage in work in such state and provided that the engineer be qualified for licensure by endorsement.

(2) Upon approval by the board and payment of the fee set in s. 471.011, the management corporation shall issue a temporary certificate of authorization for work on one specified project in this state for a period not to exceed 1 year to an out-of-state corporation, partnership, or firm, provided one of the principal officers of the corporation, one of the partners of the partnership, or one of the principals in the fictitiously named firm has obtained a temporary license in accordance with subsection (1).

(3) The application for a temporary license shall constitute appointment of the Department of State as an agent of the applicant for service of process in any action or proceeding against the applicant arising out of any transaction or operation connected with or incidental to the practice of engineering for which the temporary license was issued.

**History.**—ss. 9, 42, ch. 79-243; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 142, ch. 92-149; s. 8, ch. 2000-372; s. 24, ch. 2002-299.

**471.023 Certification of business organizations.**—

(1) The practice of, or the offer to practice, engineering by licensees or offering engineering services to the public through a business organization, including a partnership, corporation, business trust, or other legal entity or by a business organization, including a corporation, partnership, business trust, or other legal entity offering such services to the public through licensees under this chapter as agents, employees, officers, or partners is permitted only if the business organization possesses a certification issued by the management corporation pursuant to qualification by the board, subject to the provisions of this chapter. One or more of the principal officers of the business organization or one or more partners of the partnership and all personnel of the business organization who act in its behalf as engineers in this state shall be licensed as provided by this chapter. All final drawings, specifications, plans, reports, or documents involving practices licensed under this chapter which are prepared or approved for the use of the business organization or for public record within the state shall be dated and shall bear the signature and seal of the licensee who prepared or approved them. Nothing in this section shall be construed to mean that a license to practice engineering shall be held by a business organization. Nothing herein prohibits business organizations from joining together to offer engineering services to the public, if each business organization otherwise meets the requirements of this section. No business organization shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing engineering be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a business organization.

(2) For the purposes of this section, a certificate of authorization shall be required for any business organization or other person practicing under a fictitious name, offering engineering services to the public. However, when an individual is practicing engineering in his or her own given name, he or she shall not be required to be licensed under this section.

(3) The fact that a licensed engineer practices through a business organization does not relieve the licensee from personal liability for negligence, misconduct, or wrongful acts committed by him or her. Partnerships and all partners shall be jointly and severally liable for the negligence, misconduct, or wrongful acts committed by their agents, employees, or partners while acting in a professional capacity. Any officer, agent, or employee of a business organization other than a partnership shall be personally liable and accountable only for negligent acts, wrongful acts, or misconduct committed by him or her or committed by any person under his or her direct supervision and control, while rendering professional services on behalf of the business organization. The personal liability of a shareholder or owner of a business organization, in his or her capacity as shareholder or owner, shall be no greater than that of a shareholder-employee of a corporation incorporated under chapter 607. The business organization shall be liable up to the full value of its property for any negligent acts, wrongful acts, or misconduct committed by any of its officers, agents, or employees while they are engaged on its behalf in the rendering of professional services.

(4) Each certification of authorization shall be renewed every 2 years. Each business organization certified under this section must notify the board within 1 month after any change in the information contained in the application upon which the certification is based.

(5) Disciplinary action against a business organization shall be administered in the same manner and on the same grounds as disciplinary action against a licensed engineer.

**History.**—ss. 11, 42, ch. 79-243; s. 1, ch. 80-223; ss. 2, 3, ch. 81-318; ss. 8, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 143, ch. 92-149; s. 333, ch. 97-103; s. 39, ch. 2000-356; s. 9, ch. 2000-372; s. 25, ch. 2002-299; s. 3, ch. 2003-293.

#### **471.025     Seals.—**

(1) The board shall prescribe, by rule, one or more forms of seal to be used by licensees. Each licensee shall obtain at least one seal in the form approved by rule of the board and may, in addition, register his or her seal electronically in accordance with ss. 668.001-668.006. All final drawings, specifications, plans, reports, or documents prepared or issued by the licensee and being filed for public record and all final documents provided to the owner or the owner's representative shall be signed by the licensee, dated, and sealed with said seal.

Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans, reports, final documents, or documents prepared or issued by a licensee may be transmitted electronically and may be signed by the licensee, dated, and sealed electronically with said seal in accordance with ss. 668.001-668.006.

(2) It is unlawful for any person to seal or digitally sign any document with a seal or digital signature after his or her license has expired or been revoked or suspended, unless such license has been reinstated or reissued. When an engineer's license has been revoked or suspended by the board, the licensee shall, within a period of 30 days after the revocation or suspension has become effective, surrender his or her seal to the executive director of the board and confirm to the executive director the cancellation of the licensee's digital signature in accordance with ss. 668.001-668.006. In the event the engineer's license has been suspended for a period of time, his or her seal shall be returned to him or her upon expiration of the suspension period.

(3) No licensee shall affix or permit to be affixed his or her seal, name, or digital signature to any plan, specification, drawing, final bid document, or other document that depicts work which he or she is not licensed to perform or which is beyond his or her profession or specialty therein.

**History.**—ss. 12, 42, ch. 79-243; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 144, ch. 92-149; s. 334, ch. 97-103; s. 4, ch. 97-241; s. 40, ch. 2000-356; s. 32, ch. 2000-372; s. 2, ch. 2001-63; s. 26, ch. 2002-299.

**471.027 Engineers authorized to enter lands of third parties under certain conditions.**—Engineers are hereby granted permission and authority to go on, over, and upon the lands of others when necessary to make engineering surveys and, in so doing, to carry with them their agents and employees necessary for that purpose. Entry under the right hereby granted shall not constitute trespass, and engineers and their duly authorized agents or employees so entering shall not be liable to arrest or a civil action by reason of such entry; however, nothing in this section shall be construed as giving authority to said licensees, agents, or employees to destroy, injure, damage, or move anything on lands of another without the written permission of the landowner.

**History.**—ss. 17, 42, ch. 79-243; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 27, ch. 2002-299.

#### **471.031 Prohibitions; penalties.—**

(1) A person may not:

(a) Practice engineering unless the person is licensed or exempt from licensure under this chapter.

(b)1. Except as provided in subparagraph 2. or subparagraph 3., use the name or title "professional engineer" or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active license as an engineer when the person is not licensed under this chapter, including, but not limited to, the following titles: "agricultural engineer," "air-conditioning engineer," "architectural engineer," "building engineer," "chemical engineer," "civil engineer," "control systems engineer," "electrical engineer," "environmental engineer," "fire protection engineer," "industrial engineer," "manufacturing engineer," "mechanical engineer," "metallurgical engineer," "mining engineer," "minerals engineer," "marine engineer," "nuclear engineer," "petroleum engineer," "plumbing engineer," "structural engineer," "transportation engineer," "software engineer," "computer hardware engineer," or "systems engineer."

2. Any person who is exempt from licensure under s. 471.003(2)(j) may use the title or personnel classification of "engineer" in the scope of his or her work under that exemption if the title does not include or connote the term "professional engineer," "registered engineer," "licensed engineer," "registered professional engineer," or "licensed professional engineer."

3. Any person who is exempt from licensure under s. 471.003(2)(c) or (e) may use the title or personnel classification of "engineer" in the scope of his or her work under that exemption if the title does not include or connote the term "professional engineer," "registered engineer," "licensed engineer," "registered professional engineer," or "licensed professional engineer" and if that person is a graduate from an approved engineering curriculum of 4 years or more in a school, college, or university which has been approved by the board.

(c) Present as his or her own the license of another.



- (d) Give false or forged evidence to the board or a member thereof.
- (e) Use or attempt to use a license that has been suspended, revoked, or placed on inactive or delinquent status.
- (f) Employ nonexempt unlicensed persons to practice engineering.
- (g) Conceal information relative to violations of this chapter.
- (2) Any person who violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

**History.**—ss. 14, 42, ch. 79-243; ss. 2, 3, ch. 81-318; s. 47, ch. 83-329; ss. 9, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 215, ch. 94-119; s. 335, ch. 97-103; s. 41, ch. 2000-356; s. 28, ch. 2002-299; s. 3, ch. 2003-425; s. 3, ch. 2004-332.

#### **471.033 Disciplinary proceedings.—**

- (1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:
  - (a) Violating any provision of s. 455.227(1), s. 471.025, or s. 471.031, or any other provision of this chapter or rule of the board or department.
  - (b) Attempting to procure a license to practice engineering by bribery or fraudulent misrepresentations.
  - (c) Having a license to practice engineering revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act that would constitute a violation of this chapter or chapter 455.
  - (d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering.
  - (e) Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only those that are signed in the capacity of a licensed engineer.
  - (f) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.
  - (g) Engaging in fraud or deceit, negligence, incompetence, or misconduct, in the practice of engineering.
  - (h) Violating chapter 455.
  - (i) Practicing on a revoked, suspended, inactive, or delinquent license.
  - (j) Affixing or permitting to be affixed his or her seal, name, or digital signature to any final drawings, specifications, plans, reports, or documents that were not prepared by him or her or under his or her responsible supervision, direction, or control.
  - (k) Violating any order of the board or department previously entered in a disciplinary hearing.
  - (l) Performing building code inspection services under s. 553.791, without satisfying the insurance requirements of that section.
- (2) The board shall specify, by rule, what acts or omissions constitute a violation of subsection (1).
- (3) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:
  - (a) Denial of an application for licensure.
  - (b) Revocation or suspension of a license.
  - (c) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.
  - (d) Issuance of a reprimand.
  - (e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify.
  - (f) Restriction of the authorized scope of practice by the licensee.
  - (g) Restitution.

(4) The management corporation shall reissue the license of a disciplined engineer or business upon certification by the board that the disciplined person has complied with all of the terms and conditions set forth in the final order.

**History.**—ss. 15, 42, ch. 79-243; ss. 8, 10, ch. 81-302; ss. 2, 3, ch. 81-318; s. 3, ch. 85-134; ss. 10, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 145, ch. 92-149; s. 217, ch. 94-119; s. 336, ch. 97-103; s. 5, ch. 97-241; s. 111, ch. 98-166; s. 13, ch. 98-287; s. 119, ch. 2000-141; s. 172, ch. 2000-160; s. 10, ch. 2000-372; s. 35, ch. 2001-186; s. 4, ch. 2001-372; s. 29, ch. 2002-299; s. 4, ch. 2003-293; s. 4, ch. 2005-147; s. 53, ch. 2009-195; s. 45, ch. 2010-106.

#### **471.037 Effect of chapter locally.—**

(1) Nothing contained in this chapter shall be construed to repeal, amend, limit, or otherwise affect any local building code or zoning law or ordinance, now or hereafter enacted, which is more restrictive with respect to the services of licensed engineers than the provisions of this chapter.

(2) In counties or municipalities that issue building permits, such permits may not be issued in any case in which it is apparent from the application for the building permit that the provisions of this chapter have been violated. However, this subsection does not authorize the withholding of building permits in cases involving the exceptions and exemptions set out in s. 471.003.

**History.**—ss. 13, 42, ch. 79-243; ss. 2, 3, ch. 81-318; ss. 12, 14, 15, ch. 89-30; s. 4, ch. 91-429; s. 81, ch. 94-119; s. 42, ch. 2000-356; s. 30, ch. 2002-299.

#### **471.038 Florida Engineers Management Corporation.—**

(1) This section may be cited as the “Florida Engineers Management Corporation Act.”

(2) The purpose of this section is to create a public-private partnership by providing that a single nonprofit corporation be established to provide administrative, investigative, and prosecutorial services to the board and that no additional nonprofit corporation be created for these purposes.

(3) The Florida Engineers Management Corporation is created to provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapter 455 and this chapter. The management corporation may hire staff as necessary to carry out its functions. Such staff are not public employees for the purposes of chapter 110 or chapter 112, except that the board of directors and the staff are subject to the provisions of s. 112.061. The provisions of s. 768.28 apply to the management corporation, which is deemed to be a corporation primarily acting as an instrumentality of the state, but which is not an agency within the meaning of s. 20.03(11). The management corporation shall:

(a) Be a Florida corporation not for profit, incorporated under the provisions of chapter 617.

(b) Provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapter 455, this chapter, and the contract required by this section.

(c) Receive, hold, and administer property and make only prudent expenditures directly related to the responsibilities of the board, and in accordance with the contract required by this section.

(d) Be approved by the board, and the department, to operate for the benefit of the board and in the best interest of the state.

(e) Operate under a fiscal year that begins on July 1 of each year and ends on June 30 of the following year.

(f) Have a seven-member board of directors, five of whom are to be appointed by the board and must be registrants regulated by the board and two of whom are to be appointed by the secretary and must be laypersons not regulated by the board. All appointments shall be for 4-year terms. No member shall serve more than two consecutive terms. Failure to attend three consecutive meetings shall be deemed a resignation from the board, and the vacancy shall be filled by a new appointment.

(g) Select its officers in accordance with its bylaws. The members of the board of directors who were appointed by the board may be removed by the board.

(h) Select the president of the management corporation, who shall also serve as executive director to the board, subject to approval of the board.

(i) Use a portion of the interest derived from the management corporation account to offset the costs associated with the use of credit cards for payment of fees by applicants or licensees.

(j) Operate under a written contract with the department which is approved by the board. The contract must provide for, but is not limited to:

1. Submission by the management corporation of an annual budget that complies with board rules for approval by the board and the department.

2. Annual certification by the board and the department that the management corporation is complying with the terms of the contract in a manner consistent with the goals and purposes of the board and in the best interest of the state. This certification must be reported in the board's minutes. The contract must also provide for methods and mechanisms to resolve any situation in which the certification process determines noncompliance.

3. Funding of the management corporation through appropriations allocated to the regulation of professional engineers from the Professional Regulation Trust Fund.

4. The reversion to the board, or the state if the board ceases to exist, of moneys, records, data, and property held in trust by the management corporation for the benefit of the board, if the management corporation is no longer approved to operate for the board or the board ceases to exist. All records and data in a computerized database shall be returned to the department in a form that is compatible with the computerized database of the department.

5. The securing and maintaining by the management corporation, during the term of the contract and for all acts performed during the term of the contract, of all liability insurance coverages in an amount to be approved by the board to defend, indemnify, and hold harmless the management corporation and its officers and employees, the department and its employees, and the state against all claims arising from state and federal laws. Such insurance coverage must be with insurers qualified and doing business in the state. The management corporation must provide proof of insurance to the department. The department and its employees and the state are exempt from and are not liable for any sum of money which represents a deductible, which sums shall be the sole responsibility of the management corporation. Violation of this subparagraph shall be grounds for terminating the contract.

6. Payment by the management corporation, out of its allocated budget, to the department of all costs of representation by the board counsel, including salary and benefits, travel, and any other compensation traditionally paid by the department to other board counsel.

7. Payment by the management corporation, out of its allocated budget, to the department of all costs incurred by the management corporation or the board for the Division of Administrative Hearings of the Department of Management Services and any other cost for utilization of these state services.

8. Payment by the management corporation, out of its allocated budget, to the department of reasonable costs associated with the contract monitor.

(k) Provide for an annual financial audit of its financial accounts and records by an independent certified public accountant. The annual audit report shall include a management letter in accordance with s. 11.45 and a detailed supplemental schedule of expenditures for each expenditure category. The annual audit report must be submitted to the board, the department, and the Auditor General for review.

(l) Provide for persons not employed by the corporation who are charged with the responsibility of receiving and depositing fee and fine revenues to have a faithful performance bond in such an amount and according to such terms as shall be determined in the contract.

(m) Submit to the secretary, the board, and the Legislature, on or before October 1 of each year, a report on the status of the corporation which includes, but is not limited to, information concerning the programs and funds that have been transferred to the corporation. The report must include: the number of license applications received; the number approved and denied and the number of licenses issued; the number of examinations administered and the number of applicants who passed or failed the examination; the number of

complaints received; the number determined to be legally sufficient; the number dismissed; the number determined to have probable cause; the number of administrative complaints issued and the status of the complaints; and the number and nature of disciplinary actions taken by the board.

(n) Develop and submit to the department, performance standards and measurable outcomes for the board to adopt by rule in order to facilitate efficient and cost-effective regulation.

(4) The management corporation may not exercise any authority specifically assigned to the board under chapter 455 or this chapter, including determining probable cause to pursue disciplinary action against a licensee, taking final action on license applications or in disciplinary cases, or adopting administrative rules under chapter 120.

(5) Notwithstanding ss. 455.228 and 455.2281, the duties and authority of the department to receive complaints and to investigate and deter the unlicensed practice of engineering are delegated to the board. The board may use funds of the Board of Professional Engineers in the unlicensed activity account established under s. 455.2281 to perform the duties relating to unlicensed activity.

(6) The department shall retain the independent authority to open or investigate any cases or complaints, as necessary to protect the public health, safety, or welfare. In addition, the department may request that the management corporation prosecute such cases and shall retain sole authority to issue emergency suspension or restriction orders pursuant to s. 120.60.

(7) Management corporation records are public records subject to the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution; however, public records exemptions set forth in ss. 455.217 and 455.229 for records created or maintained by the department shall apply to records created or maintained by the management corporation. In addition, all meetings of the board of directors are open to the public in accordance with s. 286.011 and s. 24(b), Art. I of the State Constitution. The exemptions set forth in s. 455.225, relating to complaints and information obtained pursuant to an investigation by the department, shall apply to such records created or obtained by the management corporation only until an investigation ceases to be active. For the purposes of this subsection, an investigation is considered active so long as the management corporation or any law enforcement or administrative agency is proceeding with reasonable dispatch and has a reasonable, good faith belief that it may lead to the filing of administrative, civil, or criminal proceedings. An investigation ceases to be active when the case is dismissed prior to a finding of probable cause and the board has not exercised its option to pursue the case or 10 days after the board makes a determination regarding probable cause. All information, records, and transcriptions regarding a complaint that has been determined to be legally sufficient to state a claim within the jurisdiction of the board become available to the public when the investigation ceases to be active, except information that is otherwise confidential or exempt from s. 119.07(1). However, in response to an inquiry about the licensure status of an individual, the management corporation shall disclose the existence of an active investigation if the nature of the violation under investigation involves the potential for substantial physical or financial harm to the public. The board shall designate by rule those violations that involve the potential for substantial physical or financial harm. The department and the board shall have access to all records of the management corporation, as necessary to exercise their authority to approve and supervise the contract.

(8) The management corporation is the sole source and depository for the records of the board, including all historical information and records. The management corporation shall maintain those records in accordance with the guidelines of the Department of State and shall not destroy any records prior to the limits imposed by the Department of State.

(9) The board shall provide by rule for the procedures the management corporation must follow to ensure that all licensure examinations are secure while under the responsibility of the management corporation and that there is an appropriate level of monitoring during the licensure examinations.

**History.**—ss. 2, 5, ch. 97-312; s. 112, ch. 98-166; s. 173, ch. 2000-160; ss. 1, 2, ch. 2000-372; s. 121, ch. 2001-266; s. 5, ch. 2003-293.

**471.0385 Court action; effect.**—If any provision of s. 471.038 is held to be unconstitutional or is held to violate the state or federal antitrust laws, the following shall occur:

- (1) The corporation shall cease and desist from exercising any powers and duties enumerated in the act.
- (2) The Department of Business and Professional Regulation shall resume the performance of such activities. The department shall regain and receive, hold, invest, and administer property and make expenditures for the benefit of the board.
- (3) The Executive Office of the Governor, notwithstanding chapter 216, is authorized to reestablish positions, budget authority, and salary rate necessary to carry out the department's responsibilities related to the regulation of professional engineers.

**History.**—s. 3, ch. 97-312.

**471.045 Professional engineers performing building code inspector duties.**—Notwithstanding any other provision of law, a person who is currently licensed under this chapter to practice as a professional engineer may provide building code inspection services described in s. 468.603(6) and (7) to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors Board under part XII of chapter 468. When performing these building code inspection services, the professional engineer is subject to the disciplinary guidelines of this chapter and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a professional engineer's performing building code inspection services shall be conducted by the Board of Professional Engineers rather than the Florida Building Code Administrators and Inspectors Board. A professional engineer may not perform plans review as an employee of a local government upon any job that the professional engineer or the professional engineer's company designed.

**History.**—s. 7, ch. 98-419; s. 10, ch. 99-254; s. 28, ch. 2000-372.

Select Year:

## The 2011 Florida Statutes

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[Title XXXII](#)  
REGULATION OF PROFESSIONS  
AND OCCUPATIONS

[Chapter 481](#)  
ARCHITECTURE, INTERIOR DESIGN, AND  
LANDSCAPE ARCHITECTURE

[View Entire  
Chapter](#)

CHAPTER 481  
ARCHITECTURE, INTERIOR DESIGN, AND LANDSCAPE ARCHITECTURE

PART I  
ARCHITECTURE AND INTERIOR DESIGN  
(ss. 481.201-481.231)

PART II  
LANDSCAPE ARCHITECTURE  
(ss. 481.301-481.329)

PART I  
ARCHITECTURE AND INTERIOR DESIGN

- 481.201 Purpose.
- 481.203 Definitions.
- 481.205 Board of Architecture and Interior Design.
- 481.2055 Authority to make rules.
- 481.207 Fees.
- 481.209 Examinations.
- 481.211 Architecture internship required.
- 481.213 Licensure.
- 481.2131 Interior design; practice requirements; disclosure of compensation for professional services.
- 481.215 Renewal of license.
- 481.217 Inactive status.
- 481.219 Certification of partnerships, limited liability companies, and corporations.
- 481.221 Seals; display of certificate number.
- 481.222 Architects performing building code inspection services.
- 481.223 Prohibitions; penalties; injunctive relief.
- 481.225 Disciplinary proceedings against registered architects.
- 481.2251 Disciplinary proceedings against registered interior designers.
- 481.229 Exceptions; exemptions from licensure.
- 481.231 Effect of part locally.

**481.201 Purpose.**—The primary legislative purpose for enacting this part is to ensure that every architect practicing in this state meets minimum requirements for safe practice. It is the legislative intent that architects who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from



practicing in this state. The Legislature further finds that it is in the interest of the public to limit the practice of interior design to interior designers or architects who have the design education and training required by this part or to persons who are exempted from the provisions of this part.

**History.**—ss. 1, 19, ch. 79-273; ss. 2, 3, ch. 81-318; ss. 2, 23, 24, ch. 88-383; s. 4, ch. 91-429; s. 296, ch. 94-119; s. 1, ch. 95-389; s. 17, ch. 2000-332.

**481.203 Definitions.**—As used in this part:

- (1) “Board” means the Board of Architecture and Interior Design.
- (2) “Department” means the Department of Business and Professional Regulation.
- (3) “Architect” or “registered architect” means a natural person who is licensed under this part to engage in the practice of architecture.
- (4) “Certificate of registration” means a license issued by the department to a natural person to engage in the practice of architecture or interior design.
- (5) “Certificate of authorization” means a certificate issued by the department to a corporation or partnership to practice architecture or interior design.
- (6) “Architecture” means the rendering or offering to render services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. These services include planning, providing preliminary study designs, drawings and specifications, job-site inspection, and administration of construction contracts.
- (7) “Townhouse” is a single-family dwelling unit not exceeding three stories in height which is constructed in a series or group of attached units with property lines separating such units. Each townhouse shall be considered a separate building and shall be separated from adjoining townhouses by the use of separate exterior walls meeting the requirements for zero clearance from property lines as required by the type of construction and fire protection requirements; or shall be separated by a party wall; or may be separated by a single wall meeting the following requirements:
  - (a) Such wall shall provide not less than 2 hours of fire resistance. Plumbing, piping, ducts, or electrical or other building services shall not be installed within or through the 2-hour wall unless such materials and methods of penetration have been tested in accordance with the Standard Building Code.
  - (b) Such wall shall extend from the foundation to the underside of the roof sheathing, and the underside of the roof shall have at least 1 hour of fire resistance for a width not less than 4 feet on each side of the wall.
  - (c) Each dwelling unit sharing such wall shall be designed and constructed to maintain its structural integrity independent of the unit on the opposite side of the wall.
- (8) “Interior design” means designs, consultations, studies, drawings, specifications, and administration of design construction contracts relating to nonstructural interior elements of a building or structure. “Interior design” includes, but is not limited to, reflected ceiling plans, space planning, furnishings, and the fabrication of nonstructural elements within and surrounding interior spaces of buildings. “Interior design” specifically excludes the design of or the responsibility for architectural and engineering work, except for specification of fixtures and their location within interior spaces. As used in this subsection, “architectural and engineering interior construction relating to the building systems” includes, but is not limited to, construction of structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems, or construction which materially affects lifesafety systems pertaining to firesafety protection such as fire-rated separations between interior spaces, fire-rated vertical shafts in multistory structures, fire-rated protection of structural elements, smoke evacuation and compartmentalization, emergency ingress or egress systems, and emergency alarm systems.
- (9) “Registered interior designer” or “interior designer” means a natural person who is licensed under this part.

(10) “Nonstructural element” means an element which does not require structural bracing and which is something other than a load-bearing wall, load-bearing column, or other load-bearing element of a building or structure which is essential to the structural integrity of the building.

(11) “Reflected ceiling plan” means a ceiling design plan which is laid out as if it were projected downward and which may include lighting and other elements.

(12) “Space planning” means the analysis, programming, or design of spatial requirements, including preliminary space layouts and final planning.

(13) “Common area” means an area that is held out for use by all tenants or owners in a multiple-unit dwelling, including, but not limited to, a lobby, elevator, hallway, laundry room, clubhouse, or swimming pool.

(14) “Diversified interior design experience” means experience which substantially encompasses the various elements of interior design services set forth under the definition of “interior design” in subsection (8).

(15) “Interior decorator services” includes the selection or assistance in selection of surface materials, window treatments, wallcoverings, paint, floor coverings, surface-mounted lighting, surface-mounted fixtures, and loose furnishings not subject to regulation under applicable building codes.

(16) “Responsible supervising control” means the exercise of direct personal supervision and control throughout the preparation of documents, instruments of service, or any other work requiring the seal and signature of a licensee under this part.

**History.**—ss. 2, 19, ch. 79-273; ss. 2, 3, ch. 81-318; ss. 27, 48, ch. 82-179; ss. 3, 23, 24, ch. 88-383; s. 4, ch. 91-429; s. 297, ch. 94-119; s. 171, ch. 94-218; s. 2, ch. 95-389; s. 1, ch. 2006-276.

#### **481.205 Board of Architecture and Interior Design.—**

(1) The Board of Architecture and Interior Design is created within the Department of Business and Professional Regulation. The board shall consist of 11 members. Five members must be registered architects who have been engaged in the practice of architecture for at least 5 years; three members must be registered interior designers who have been offering interior design services for at least 5 years and who are not also registered architects; and three members must be laypersons who are not, and have never been, architects, interior designers, or members of any closely related profession or occupation. At least one member of the board must be 60 years of age or older.

(2) Members shall be appointed for 4-year staggered terms.

(3)(a) Notwithstanding the provisions of ss. 455.225, 455.228, and 455.32, the duties and authority of the department to receive complaints and investigate and discipline persons licensed under this part, including the ability to determine legal sufficiency and probable cause; to initiate proceedings and issue final orders for summary suspension or restriction of a license pursuant to s. 120.60(6); to issue notices of noncompliance, notices to cease and desist, subpoenas, and citations; to retain legal counsel, investigators, or prosecutorial staff in connection with the licensed practice of architecture and interior design; and to investigate and deter the unlicensed practice of architecture and interior design as provided in s. 455.228 are delegated to the board. All complaints and any information obtained pursuant to an investigation authorized by the board are confidential and exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

(b) The board shall contract with a corporation or other business entity pursuant to s. 287.057 to provide investigative, legal, prosecutorial, and other services necessary to perform its duties.

(c) The corporation or business entity shall comply with all the recordkeeping and reporting requirements of s. 455.32 applicable to the scope of the contract and shall report directly to the board in lieu of the department. Records of the corporation or other business entity contracting with the board shall be considered public records as specified in s. 455.32(15).

(d) Notwithstanding the provisions of s. 455.228, the board may use funds in the unlicensed activity account established under s. 455.2281 to perform its duties relating to unlicensed activity under this subsection.

(e) The board shall submit an annual budget request to the department by October 1 of each year for the purpose of funding its activities under this subsection. The department, on behalf of the board, shall submit the budget request unchanged to the Executive Office of the Governor and the Legislature pursuant to s. 216.023.

(f) The board shall issue an annual report on the activities under this subsection by October 1 of each year. The annual report shall be submitted to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees. The report shall describe all of the activities performed under this subsection for the previous fiscal year and shall include, but need not be limited to, the following:

1. The number of complaints received.
2. The number of complaints determined to be legally sufficient.
3. The number of complaints determined to be legally insufficient.
4. The number of complaints dismissed.
5. The number of complaints filed in circuit court.
6. The number of complaints determined to have probable cause.
7. The number of administrative complaints issued and the status of the complaints.
8. The number and nature of disciplinary actions taken by the board.
9. The number and the amount of fines and penalties imposed.
10. The number and the amount of fines and penalties collected.
11. Total revenues received and all expenses incurred by the contractor during the previous fiscal year.
12. Total completed investigations.
13. Total pending investigations.
14. A summary of any audits performed, including financial reports and performance audits of the contractor.

(4) The board may establish by rule minimum procedures, documentation, and other requirements for indicating evidence of the exercise of responsible supervising control by a person licensed under this part in connection with work performed both inside and outside the licensee's office.

**History.**—ss. 3, 19, ch. 79-273; ss. 2, 3, ch. 81-318; s. 23, ch. 87-172; ss. 4, 23, 24, 25, ch. 88-383; s. 4, ch. 91-429; s. 32, ch. 92-173; s. 298, ch. 94-119; s. 172, ch. 94-218; s. 3, ch. 95-389; s. 1, ch. 2002-274; s. 6, ch. 2004-292; s. 2, ch. 2006-276; s. 2, ch. 2008-134; s. 36, ch. 2010-151.

**481.2055 Authority to make rules.**—The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of this part and chapter 455 conferring duties upon it.

**History.**—s. 1, ch. 85-311; s. 2, ch. 87-50; ss. 5, 23, 24, ch. 88-383; s. 4, ch. 91-429; s. 128, ch. 98-166; s. 152, ch. 98-200; s. 188, ch. 2000-160.

**481.207 Fees.**—The board, by rule, may establish separate fees for architects and interior designers, to be paid for applications, examination, reexamination, licensing and renewal, delinquency, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The fee for initial application and examination for architects and interior designers may not exceed \$775 plus the actual per applicant cost to the department for purchase of the examination from the National Council of Architectural Registration Boards or the National Council of Interior Design Qualifications, respectively, or similar national organizations. The biennial renewal fee for architects may not exceed \$200. The biennial renewal fee for interior designers may not exceed \$500. The delinquency fee may not exceed the biennial renewal fee established by the board for an active license. The board shall establish fees that are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of architects and interior designers. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of architects and interior designers.

**History.**—ss. 4, 19, ch. 79-273; ss. 2, 3, ch. 81-318; s. 79, ch. 83-329; s. 1, ch. 87-327; s. 25, ch. 88-205; ss. 6, 23, 24, ch. 88-383; s. 55, ch. 89-162; s. 4, ch. 91-429; ss. 232, 299, ch. 94-119.

#### **481.209 Examinations.—**

(1) A person desiring to be licensed as a registered architect shall apply to the department to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;

(b)1. Is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board; or

2. Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States; and

(c) Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

(2) A person desiring to be licensed as a registered interior designer shall apply to the department for licensure. The department shall administer the licensure examination for interior designers to each applicant who has completed the application form and remitted the application and examination fees specified in s. 481.207 and who the board certifies:

(a) Is a graduate from an interior design program of 5 years or more and has completed 1 year of diversified interior design experience;

(b) Is a graduate from an interior design program of 4 years or more and has completed 2 years of diversified interior design experience;

(c) Has completed at least 3 years in an interior design curriculum and has completed 3 years of diversified interior design experience; or

(d) Is a graduate from an interior design program of at least 2 years and has completed 4 years of diversified interior design experience.

Subsequent to October 1, 2000, for the purpose of having the educational qualification required under this subsection accepted by the board, the applicant must complete his or her education at a program, school, or college of interior design whose curriculum has been approved by the board as of the time of completion. Subsequent to October 1, 2003, all of the required amount of educational credits shall have been obtained in a program, school, or college of interior design whose curriculum has been approved by the board, as of the time each educational credit is gained. The board shall adopt rules providing for the review and approval of programs, schools, and colleges of interior design and courses of interior design study based on a review and inspection by the board of the curriculum of programs, schools, and colleges of interior design in the United States, including those programs, schools, and colleges accredited by the Foundation for Interior Design Education Research. The board shall adopt rules providing for the review and approval of diversified interior design experience required by this subsection.

**History.**—ss. 5, 19, ch. 79-273; s. 357, ch. 81-259; ss. 2, 3, ch. 81-318; ss. 7, 23, 24, ch. 88-383; s. 4, ch. 91-429; s. 300, ch. 94-119; s. 4, ch. 95-389; s. 5, ch. 96-309; s. 18, ch. 2000-332; s. 3, ch. 2001-269.

#### **481.211 Architecture internship required.—**

(1) An applicant for licensure as a registered architect shall complete, prior to licensure, an internship of diversified architectural experience approved by the board in the design and construction of structures which have as their principal purpose human habitation or use. The internship shall be for a period of:

(a) Three years for an applicant holding the degree of Bachelor of Architecture; or

(b) Two years for an applicant holding the professional degree of Master of Architecture.

(2) Each applicant for licensure shall complete 1 year of the internship experience required by this section subsequent to graduation from a school or college of architecture as defined in s. 481.209(1).

History.—ss. 6, 19, ch. 79-273; ss. 2, 3, ch. 81-318; ss. 8, 23, 24, ch. 88-383; s. 4, ch. 91-429; s. 301, ch. 94-119.

#### **481.213 Licensure.—**

(1) The department shall license any applicant who the board certifies is qualified for licensure and who has paid the initial licensure fee. Licensure as an architect under this section shall be deemed to include all the rights and privileges of licensure as an interior designer under this section.

(2) The board shall certify for licensure by examination any applicant who passes the prescribed licensure examination and satisfies the requirements of ss. 481.209 and 481.211, for architects, or the requirements of s. 481.209, for interior designers.

(3) The board shall certify as qualified for a license by endorsement as an architect or as an interior designer an applicant who:

(a) Qualifies to take the prescribed licensure examination, and has passed the prescribed licensure examination or a substantially equivalent examination in another jurisdiction, as set forth in s. 481.209 for architects or interior designers, as applicable, and has satisfied the internship requirements set forth in s. 481.211 for architects;

(b) Holds a valid license to practice architecture or interior design issued by another jurisdiction of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued; provided, however, that an applicant who has been licensed for use of the title “interior design” rather than licensed to practice interior design shall not qualify hereunder; or

(c) Has passed the prescribed licensure examination and holds a valid certificate issued by the National Council of Architectural Registration Boards, and holds a valid license to practice architecture issued by another state or jurisdiction of the United States. For the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1984, must also hold a degree in architecture and such degree must be equivalent to that required in s. 481.209(1)(b). Also for the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1985, must have completed an internship equivalent to that required by s. 481.211 and any rules adopted with respect thereto.

(4) The board may refuse to certify any applicant who has violated any of the provisions of s. 481.223, s. 481.225, or s. 481.2251, as applicable.

(5) The board may refuse to certify any applicant who is under investigation in any jurisdiction for any act which would constitute a violation of this part or of chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

(6) The board shall adopt rules to implement the provisions of this part relating to the examination, internship, and licensure of applicants.

(7) For persons whose licensure requires satisfaction of the requirements of ss. 481.209 and 481.211, the board shall, by rule, establish qualifications for certification of such persons as special inspectors of threshold buildings, as defined in ss. 553.71 and 553.79, and shall compile a list of persons who are certified. A special inspector is not required to meet standards for certification other than those established by the board, and the fee owner of a threshold building may not be prohibited from selecting any person certified by the board to be a special inspector. The board shall develop minimum qualifications for the qualified representative of the special inspector who is authorized under s. 553.79 to perform inspections of threshold buildings on behalf of the special inspector.

History.—ss. 8, 19, ch. 79-273; ss. 2, 3, ch. 81-318; ss. 9, 23, 24, ch. 88-383; s. 5, ch. 89-66; s. 9, ch. 89-162; s. 4, ch. 91-429; ss. 155, 236, 302, 308, ch. 94-119; ss. 5, 6, ch. 95-389; s. 129, ch. 98-166; s. 38, ch. 2000-141; s. 189, ch. 2000-160.



**481.2131 Interior design; practice requirements; disclosure of compensation for professional services.—**

(1) A registered interior designer is authorized to perform “interior design” as defined in s. 481.203. Interior design documents prepared by a registered interior designer shall contain a statement that the document is not an architectural or engineering study, drawing, specification, or design and is not to be used for construction of any load-bearing columns, load-bearing framing or walls of structures, or issuance of any building permit, except as otherwise provided by law. Interior design documents that are prepared and sealed by a registered interior designer may, if required by a permitting body, be submitted for the issuance of a building permit for interior construction excluding design of any structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems or that materially affect lifesafety systems pertaining to firesafety protection such as fire-rated separations between interior spaces, fire-rated vertical shafts in multistory structures, fire-rated protection of structural elements, smoke evacuation and compartmentalization, emergency ingress or egress systems, and emergency alarm systems.

(2) An interior designer shall, before entering into a contract, verbal or written, clearly determine the scope and nature of the project and the method or methods of compensation. The interior designer may offer professional services to the client as a consultant, specifier, or supplier on the basis of a fee, percentage, or markup. The interior designer shall have the responsibility of fully disclosing to the client the manner in which all compensation is to be paid. Unless the client knows and agrees, the interior designer shall not accept any form of compensation from a supplier of goods and services in cash or in kind.

**History.**—ss. 10, 24, ch. 88-383; s. 4, ch. 91-429; s. 303, ch. 94-119.

**481.215 Renewal of license.—**

(1) Subject to the requirement of subsection (3), the department shall renew a license upon receipt of the renewal application and renewal fee.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) No license renewal shall be issued to an architect or an interior designer by the department until the licensee submits proof satisfactory to the department that, during the 2 years prior to application for renewal, the licensee participated per biennium in not less than 20 hours of at least 50 minutes each per biennium of continuing education approved by the board. The board shall approve only continuing education that builds upon the basic knowledge of architecture or interior design. The board may make exception from the requirements of continuing education in emergency or hardship cases.

(4) The board shall by rule establish criteria for the approval of continuing education courses and providers and shall by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

(5) The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the licensee’s respective area of practice.

**History.**—ss. 9, 19, ch. 79-273; ss. 2, 3, ch. 81-318; ss. 11, 23, 24, ch. 88-383; s. 1, ch. 90-84; s. 22, ch. 90-228; s. 4, ch. 91-429; s. 156, ch. 94-119; s. 14, ch. 98-287; s. 120, ch. 2000-141; s. 35, ch. 2001-186; s. 4, ch. 2001-372; s. 127, ch. 2008-4; s. 22, ch. 2009-195.

**481.217 Inactive status.—**

(1) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license for a registered architect may not exceed 12 contact hours for each year the license was inactive. The minimum continuing education requirement for reactivating a license for a registered interior designer shall be those of the most recent biennium plus one-half of the requirements in s. 481.215 for each year or part thereof during which the license was inactive. The board shall only approve continuing education that builds upon the basic knowledge of interior design.



(2) The board shall adopt rules relating to application procedures for inactive status and for the reactivation of inactive licenses.

**History.**—ss. 10, 19, ch. 79-273; ss. 2, 3, ch. 81-318; s. 112, ch. 83-329; ss. 12, 23, 24, ch. 88-383; s. 26, ch. 91-137; s. 4, ch. 91-429; s. 233, ch. 94-119.

**481.219 Certification of partnerships, limited liability companies, and corporations.—**

(1) The practice of or the offer to practice architecture or interior design by licensees through a corporation, limited liability company, or partnership offering architectural or interior design services to the public, or by a corporation, limited liability company, or partnership offering architectural or interior design services to the public through licensees under this part as agents, employees, officers, or partners, is permitted, subject to the provisions of this section.

(2) For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person practicing under a fictitious name, offering architectural services to the public jointly or separately. However, when an individual is practicing architecture in her or his own name, she or he shall not be required to be certified under this section. Certification under this subsection to offer architectural services shall include all the rights and privileges of certification under subsection (3) to offer interior design services.

(3) For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person operating under a fictitious name, offering interior design services to the public jointly or separately. However, when an individual is practicing interior design in her or his own name, she or he shall not be required to be certified under this section.

(4) All final construction documents and instruments of service which include drawings, specifications, plans, reports, or other papers or documents involving the practice of architecture which are prepared or approved for the use of the corporation, limited liability company, or partnership and filed for public record within the state shall bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.

(5) All drawings, specifications, plans, reports, or other papers or documents prepared or approved for the use of the corporation, limited liability company, or partnership by an interior designer in her or his professional capacity and filed for public record within the state shall bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.

(6) The department shall issue a certificate of authorization to any applicant who the board certifies as qualified for a certificate of authorization and who has paid the fee set in s. 481.207.

(7) The board shall certify an applicant as qualified for a certificate of authorization to offer architectural or interior design services, provided that:

(a) One or more of the principal officers of the corporation or limited liability company, or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as architects, are registered as provided by this part; or

(b) One or more of the principal officers of the corporation or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as interior designers, are registered as provided by this part.

(8) The department shall adopt rules establishing a procedure for the biennial renewal of certificates of authorization.

(9) The department shall renew a certificate of authorization upon receipt of the renewal application and biennial renewal fee.

(10) Each partnership, limited liability company, and corporation certified under this section shall notify the department within 30 days of any change in the information contained in the application upon which the certification is based. Any registered architect or interior designer who qualifies the corporation, limited liability company, or partnership as provided in subsection (7) shall be responsible for ensuring responsible

supervising control of projects of the entity and upon termination of her or his employment with a partnership, limited liability company, or corporation certified under this section shall notify the department of the termination within 30 days.

(11) No corporation, limited liability company, or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section. However, the architect who signs and seals the construction documents and instruments of service shall be liable for the professional services performed, and the interior designer who signs and seals the interior design drawings, plans, or specifications shall be liable for the professional services performed.

(12) Disciplinary action against a corporation, limited liability company, or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered architect or interior designer, respectively.

(13) Nothing in this section shall be construed to mean that a certificate of registration to practice architecture or interior design shall be held by a corporation, limited liability company, or partnership. Nothing in this section prohibits corporations, limited liability companies, and partnerships from joining together to offer architectural, engineering, interior design, surveying and mapping, and landscape architectural services, or any combination of such services, to the public, provided that each corporation, limited liability company, or partnership otherwise meets the requirements of law.

(14) Corporations, limited liability companies, or partnerships holding a valid certificate of authorization to practice architecture shall be permitted to use in their title the term "interior designer" or "registered interior designer."

**History.**—ss. 7, 19, ch. 79-273; ss. 2, 3, ch. 81-318; ss. 13, 23, 24, ch. 88-383; s. 6, ch. 89-66; s. 10, ch. 89-162; s. 4, ch. 91-429; ss. 119, 304, ch. 94-119; s. 7, ch. 95-389; s. 415, ch. 97-103; s. 1, ch. 2005-124.

#### **481.221      Seals; display of certificate number.—**

(1) The board shall prescribe, by rule, one or more forms of seals to be used by registered architects holding valid certificates of registration.

(2) Each registered architect shall obtain one seal in a form approved by rule of the board and may, in addition, register her or his seal electronically in accordance with ss. 668.001-668.006. All final construction documents and instruments of service which include drawings, plans, specifications, or reports prepared or issued by the registered architect and being filed for public record shall bear the signature and seal of the registered architect who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by a registered architect may be transmitted electronically and may be signed by the registered architect, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.

(3) The board shall adopt a rule prescribing the distinctly different seals to be used by registered interior designers holding valid certificates of registration. Each registered interior designer shall obtain a seal as prescribed by the board, and all drawings, plans, specifications, or reports prepared or issued by the registered interior designer and being filed for public record shall bear the signature and seal of the registered interior designer who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by a registered interior designer may be transmitted electronically and may be signed by the registered interior designer, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.

(4) No registered architect shall affix, or permit to be affixed, her or his seal or signature to any final construction document or instrument of service which includes any plan, specification, drawing, or other document which depicts work which she or he is not competent to perform.

(5) No registered interior designer shall affix, or permit to be affixed, her or his seal or signature to any plan, specification, drawing, or other document which depicts work which she or he is not competent or licensed to perform.

(6) No registered architect shall affix her or his signature or seal to any final construction document or instrument of service which includes drawings, plans, specifications, or architectural documents which were not prepared by her or him or under her or his responsible supervising control or by another registered architect and reviewed, approved, or modified and adopted by her or him as her or his own work according to rules adopted by the board.

(7) No registered interior designer shall affix her or his signature or seal to any plans, specifications, or other documents which were not prepared by her or him or under her or his responsible supervising control or by another registered interior designer and reviewed, approved, or modified and adopted by her or him as her or his own work according to rules adopted by the board.

(8) Final construction documents or instruments of service which include plans, drawings, specifications, or other architectural documents prepared by a registered architect as part of her or his architectural practice shall be of a sufficiently high standard to clearly and accurately indicate or illustrate all essential parts of the work to which they refer.

(9) Studies, drawings, specifications, and other related documents prepared by a registered interior designer in providing interior design services shall be of a sufficiently high standard to clearly and accurately indicate all essential parts of the work to which they refer.

(10) Each registered architect or interior designer, and each corporation, limited liability company, or partnership holding a certificate of authorization, shall include its certificate number in any newspaper, telephone directory, or other advertising medium used by the registered architect, interior designer, corporation, limited liability company, or partnership. A corporation, limited liability company, or partnership is not required to display the certificate number of individual registered architects or interior designers employed by or working within the corporation, limited liability company, or partnership.

(11) When the certificate of registration of a registered architect or interior designer has been revoked or suspended by the board, the registered architect or interior designer shall surrender her or his seal to the secretary of the board within a period of 30 days after the revocation or suspension has become effective. If the certificate of the registered architect or interior designer has been suspended for a period of time, her or his seal shall be returned to her or him upon expiration of the suspension period.

(12) A person may not sign and seal by any means any final plan, specification, or report after her or his certificate of registration has expired or is suspended or revoked. A registered architect or interior designer whose certificate of registration is suspended or revoked shall, within 30 days after the effective date of the suspension or revocation, surrender her or his seal to the executive director of the board and confirm in writing to the executive director the cancellation of the registered architect's or interior designer's electronic signature in accordance with ss. 668.001-668.006. When a registered architect's or interior designer's certificate of registration is suspended for a period of time, her or his seal shall be returned upon expiration of the period of suspension.

**History.**—ss. 12, 19, ch. 79-273; ss. 2, 3, ch. 81-318; ss. 14, 23, 24, ch. 88-383; s. 4, ch. 91-429; s. 416, ch. 97-103; s. 1, ch. 2005-30; s. 2, ch. 2005-124.

**481.222 Architects performing building code inspection services.**—Notwithstanding any other provision of law, a person who is currently licensed to practice as an architect under this part may provide building code inspection services described in s. 468.603(6) and (7) to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors Board under part XII of chapter 468. With respect to the performance of such building code inspection services, the architect is subject to the disciplinary guidelines of this part and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of an architect's performance of building code inspection services shall be conducted by

the Board of Architecture and Interior Design rather than the Florida Building Code Administrators and Inspectors Board. An architect may not perform plans review as an employee of a local government upon any job that the architect or the architect's company designed.

History.—s. 8, ch. 98-419; s. 11, ch. 99-254; s. 29, ch. 2000-372.

**481.223 Prohibitions; penalties; injunctive relief.—**

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect; however, a licensed architect who has been licensed by the board and who chooses to relinquish or not to renew his or her license may use the title "Architect, Retired" but may not otherwise render any architectural services.

(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein; however, an interior designer who has been licensed by the board and who chooses to relinquish or not to renew his or her license may use the title "Interior Designer, Retired" but may not otherwise render any interior design services.

(c) Use the name or title "architect" or "registered architect," or "interior designer" or "registered interior designer," or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part.

(d) Present as his or her own the license of another.

(e) Give false or forged evidence to the board or a member thereof.

(f) Use or attempt to use an architect or interior designer license that has been suspended, revoked, or placed on inactive or delinquent status.

(g) Employ unlicensed persons to practice architecture or interior design.

(h) Conceal information relative to violations of this part.

(2) Any person who violates any provision of subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) Notwithstanding chapter 455 or any other law to the contrary, an affected person may maintain an action for injunctive relief to restrain or prevent a person from violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c). The prevailing party is entitled to actual costs and attorney's fees.

(b) For purposes of this subsection, the term "affected person" means a person directly affected by the actions of a person suspected of violating paragraph (1)(a), paragraph (1)(b), or paragraph (1)(c) and includes, but is not limited to, the department, any person who received services from the alleged violator, or any private association composed primarily of members of the profession the alleged violator is practicing or offering to practice or holding himself or herself out as qualified to practice.

History.—ss. 14, 19, ch. 79-273; ss. 2, 3, ch. 81-318; ss. 15, 23, 24, ch. 88-383; s. 111, ch. 91-224; s. 4, ch. 91-429; ss. 234, 305, ch. 94-119; s. 417, ch. 97-103; s. 4, ch. 2001-269; s. 3, ch. 2006-276.

**481.225 Disciplinary proceedings against registered architects.—**

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violating any provision of s. 455.227(1), s. 481.221, or s. 481.223, or any rule of the board or department lawfully adopted pursuant to this part or chapter 455.

(b) Attempting to obtain or procure a license to practice architecture by bribery or fraudulent misrepresentations.

(c) Having a license to practice architecture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act that would constitute a violation of this part or of chapter 455.

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of architecture or the ability to practice architecture.

(e) Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only those that are prepared in the capacity of a registered architect.

(f) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.

(g) Committing an act of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of architecture, including, but not limited to, allowing the preparation of any architectural studies, plans, or other instruments of service in an office that does not have a full-time Florida-registered architect assigned to such office or failing to ensure the responsible supervising control of services or projects, as required by board rule.

(h) Practicing on a revoked, suspended, inactive, or delinquent license.

(i) Aiding, assisting, procuring, or advising any unlicensed person to practice architecture contrary to this part or to a rule of the department or the board.

(j) Failing to perform any statutory or legal obligation placed upon a registered architect.

(k) Attempting to influence or overrule the professional judgment of an architect by an act that, if carried out, would constitute negligence contrary to the exercise of professional judgment in accordance with professionally accepted standards of practice or would threaten the public health, safety, or welfare.

(l) Performing building code inspection services under s. 553.791, without satisfying the insurance requirements of that section.

(2) The board shall specify, by rule, what acts or omissions constitute a violation of subsection (1).

(3) When the board finds any registered architect guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense and a fine of up to \$5,000 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction.

(d) Issuance of a reprimand.

(e) Placement of the registered architect on probation for a period of time and subject to such conditions as the board may specify, including requiring the registered architect to attend continuing education courses or to work under the supervision of another registered architect.

(f) Restriction of the authorized scope of practice by the registered architect.

(4) The department shall reissue the license of a disciplined registered architect upon certification by the board that he or she has complied with all of the terms and conditions set forth in the final order.

**History.**—ss. 15, 19, ch. 79-273; ss. 2, 3, ch. 81-318; ss. 16, 23, 24, ch. 88-383; s. 4, ch. 91-429; ss. 235, 308, ch. 94-119; s. 418, ch. 97-103; s. 130, ch. 98-166; s. 15, ch. 98-287; s. 121, ch. 2000-141; s. 190, ch. 2000-160; s. 35, ch. 2001-186; s. 4, ch. 2001-372; s. 3, ch. 2005-30; s. 3, ch. 2005-124; s. 5, ch. 2005-147; s. 60, ch. 2009-195; s. 51, ch. 2010-106.

#### **481.2251 Disciplinary proceedings against registered interior designers.—**

(1) The following acts constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing, by bribery, by fraudulent misrepresentation, or through an error of the board, a license to practice interior design;

(b) Having a license to practice interior design revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction for any act which would constitute a violation of this part or of chapter 455;

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the provision of interior design services or to the ability to provide interior design services. A plea of

nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges. However, the board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding her or his plea;

- (d) False, deceptive, or misleading advertising;
- (e) Failing to report to the board any person who the licensee knows is in violation of this part or the rules of the board;
- (f) Aiding, assisting, procuring, or advising any unlicensed person to use the title "interior designer" contrary to this part or to a rule of the board;
- (g) Failing to perform any statutory or legal obligation placed upon a registered interior designer;
- (h) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a registered interior designer;
- (i) Making deceptive, untrue, or fraudulent representations in the provision of interior design services;
- (j) Accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent or licensed to perform;
- (k) Violating any provision of this part, any rule of the board, or a lawful order of the board previously entered in a disciplinary hearing;
- (l) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services;
- (m) Acceptance of compensation or any consideration by an interior designer from someone other than the client without full disclosure of the compensation or consideration amount or value to the client prior to the engagement for services, in violation of s. 481.2131(2);
- (n) Rendering or offering to render architectural services; or
- (o) Committing an act of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of interior design, including, but not limited to, allowing the preparation of any interior design studies, plans, or other instruments of service in an office that does not have a full-time Florida-registered interior designer assigned to such office or failing to exercise responsible supervisory control over services or projects, as required by board rule.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order taking the following action or imposing one or more of the following penalties:

- (a) Refusal to approve an application for licensure;
- (b) Refusal to renew an existing license;
- (c) Revocation or suspension of a license;
- (d) Imposition of an administrative fine not to exceed \$1,000 for each violation or separate offense and a fine of up to \$5,000 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction;
- (e) Issuance of a reprimand.

**History.**—ss. 17, 24, ch. 88-383; s. 4, ch. 91-429; s. 306, ch. 94-119; s. 419, ch. 97-103; s. 131, ch. 98-166; s. 16, ch. 98-287; s. 122, ch. 2000-141; s. 191, ch. 2000-160; s. 35, ch. 2001-186; s. 4, ch. 2001-372; s. 4, ch. 2005-124.

#### **481.229 Exceptions; exemptions from licensure.—**

- (1) No person shall be required to qualify as an architect in order to make plans and specifications for, or supervise the erection, enlargement, or alteration of:
  - (a) Any building upon any farm for the use of any farmer, regardless of the cost of the building;
  - (b) Any one-family or two-family residence building, townhouse, or domestic outbuilding appurtenant to any one-family or two-family residence, regardless of cost; or



(c) Any other type of building costing less than \$25,000, except a school, auditorium, or other building intended for public use, provided that the services of a registered architect shall not be required for minor school projects pursuant to s. 1013.45.

(2) Nothing contained in this part shall be construed to prevent any employee of an architect from acting in any capacity under the instruction, control, or supervision of the architect or to prevent any person from acting as a contractor in the execution of work designed by an architect.

(3) Notwithstanding the provisions of this part, a general contractor who is certified or registered pursuant to the provisions of chapter 489 is not required to be licensed as an architect when negotiating or performing services under a design-build contract as long as the architectural services offered or rendered in connection with the contract are offered and rendered by an architect licensed in accordance with this chapter.

(4) Notwithstanding the provisions of this part or of any other law, no registered engineer whose principal practice is civil or structural engineering, or employee or subordinate under the responsible supervision or control of the engineer, is precluded from performing architectural services which are purely incidental to his or her engineering practice, nor is any registered architect, or employee or subordinate under the responsible supervision or control of such architect, precluded from performing engineering services which are purely incidental to his or her architectural practice. However, no engineer shall practice architecture or use the designation "architect" or any term derived therefrom, and no architect shall practice engineering or use the designation "engineer" or any term derived therefrom.

(5)(a) Nothing contained in this part shall prevent a registered architect or a partnership, limited liability company, or corporation holding a valid certificate of authorization to provide architectural services from performing any interior design service or from using the title "interior designer" or "registered interior designer."

(b) Notwithstanding any other provision of this part, all persons licensed as architects under this part shall be qualified for interior design licensure upon submission of a completed application for such license and a fee not to exceed \$30. Such persons shall be exempt from the requirements of s. 481.209(2). For architects licensed as interior designers, satisfaction of the requirements for renewal of licensure as an architect under s. 481.215 shall be deemed to satisfy the requirements for renewal of licensure as an interior designer under that section. Complaint processing, investigation, or other discipline-related legal costs related to persons licensed as interior designers under this paragraph shall be assessed against the architects' account of the Regulatory Trust Fund.

(c) Notwithstanding any other provision of this part, any corporation, partnership, or person operating under a fictitious name which holds a certificate of authorization to provide architectural services shall be qualified, without fee, for a certificate of authorization to provide interior design services upon submission of a completed application therefor. For corporations, partnerships, and persons operating under a fictitious name which hold a certificate of authorization to provide interior design services, satisfaction of the requirements for renewal of the certificate of authorization to provide architectural services under s. 481.219 shall be deemed to satisfy the requirements for renewal of the certificate of authorization to provide interior design services under that section.

(6) This part shall not apply to:

(a) A person who performs interior design services or interior decorator services for any residential application, provided that such person does not advertise as, or represent himself or herself as, an interior designer. For purposes of this paragraph, "residential applications" includes all types of residences, including, but not limited to, residence buildings, single-family homes, multifamily homes, townhouses, apartments, condominiums, and domestic outbuildings appurtenant to one-family or two-family residences. However, "residential applications" does not include common areas associated with instances of multiple-unit dwelling applications.

(b) An employee of a retail establishment providing “interior decorator services” on the premises of the retail establishment or in the furtherance of a retail sale or prospective retail sale, provided that such employee does not advertise as, or represent himself or herself as, an interior designer.

(7) Nothing in this part shall be construed as authorizing or permitting an interior designer to engage in the business of, or to act as, a contractor within the meaning of chapter 489, unless registered or certified as a contractor pursuant to chapter 489.

(8) A manufacturer of commercial food service equipment or the manufacturer’s representative, distributor, or dealer or an employee thereof, who prepares designs, specifications, or layouts for the sale or installation of such equipment is exempt from licensure as an architect or interior designer, if:

(a) The designs, specifications, or layouts are not used for construction or installation that may affect structural, mechanical, plumbing, heating, air conditioning, ventilating, electrical, or vertical transportation systems.

(b) The designs, specifications, or layouts do not materially affect lifesafety systems pertaining to firesafety protection, smoke evacuation and compartmentalization, and emergency ingress or egress systems.

(c) Each design, specification, or layout document prepared by a person or entity exempt under this subsection contains a statement on each page of the document that the designs, specifications, or layouts are not architectural, interior design, or engineering designs, specifications, or layouts and not used for construction unless reviewed and approved by a licensed architect or engineer.

**History.**—ss. 11, 19, ch. 79-273; ss. 25, 26, ch. 81-302; ss. 2, 3, ch. 81-318; ss. 26, 48, ch. 82-179; s. 3, ch. 83-265; ss. 19, 23, 24, ch. 88-383; s. 2, ch. 89-115; s. 68, ch. 89-162; s. 4, ch. 91-429; s. 307, ch. 94-119; s. 20, ch. 94-292; s. 8, ch. 95-389; s. 420, ch. 97-103; s. 1026, ch. 2002-387; s. 5, ch. 2005-124; s. 24, ch. 2009-195.

#### **481.231 Effect of part locally.—**

(1) Nothing in this part shall be construed to repeal, amend, limit, or otherwise affect any specific provision of any local building code or zoning law or ordinance that has been duly adopted, now or hereafter enacted, which is more restrictive, with respect to the services of registered architects or registered interior designers, than the provisions of this part; provided, however, that a licensed architect shall be deemed licensed as an interior designer for purposes of offering or rendering interior design services to a county, municipality, or other local government or political subdivision.

(2) Counties or municipalities which issue building permits shall not issue permits if it is apparent from the application for the building permit that the provisions of this part have been violated; provided, however, that this subsection shall not authorize the withholding of building permits in cases involving the exceptions and exemptions set out in s. 481.229.

**History.**—ss. 13, 19, ch. 79-273; ss. 2, 3, ch. 81-318; ss. 20, 23, 24, ch. 88-383; s. 4, ch. 91-429; s. 308, ch. 94-119; s. 9, ch. 95-389.

## **PART II LANDSCAPE ARCHITECTURE**

481.301 Purpose.

481.303 Definitions.

481.305 Board of Landscape Architecture.

481.306 Authority to make rules.

481.307 Fees.

481.309 Examinations.

481.310 Practical experience requirement.

481.311 Licensure.

481.313 Renewal of license.

481.315 Inactive status.

481.317 Temporary certificates.

- 481.319 Corporate and partnership practice of landscape architecture; certificate of authorization.
- 481.321 Seals; display of certificate number.
- 481.323 Prohibitions; penalties.
- 481.325 Disciplinary proceedings.
- 481.329 Exceptions; exemptions from licensure.

**481.301 Purpose.**—The Legislature finds that the regulation of landscape architecture is necessary to assure competent landscape planning and design of public and private environments, prevention of contamination of water supplies, barrier-free public and private spaces, conservation of natural resources through proper land and water management practices, prevention of erosion, energy conservation, functional and aesthetically pleasing environmental contributions to humanity's psychological and sociological well-being, and an enhancement of the quality of life in a safe and healthy environment and to assure the highest possible quality of the practice of landscape architecture in this state.

**History.**—ss. 1, 18, ch. 79-407; ss. 2, 3, ch. 81-318; ss. 1, 18, 19, ch. 88-347; s. 4, ch. 91-429; s. 421, ch. 97-103.

**481.303 Definitions.**—As used in this chapter:

- (1) "Board" means the Board of Landscape Architecture.
- (2) "Department" means the Department of Business and Professional Regulation.
- (3) "Registered landscape architect" means a person who holds a license to practice landscape architecture in this state under the authority of this act.
- (4) "Certificate of registration" means a license issued by the department to a natural person to engage in the practice of landscape architecture.
- (5) "Certificate of authorization" means a license issued by the department to a corporation or partnership to engage in the practice of landscape architecture.
- (6) "Landscape architecture" means professional services, including, but not limited to, the following:
  - (a) Consultation, investigation, research, planning, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas, including the use of Florida-friendly landscaping as defined in s. 373.185, where, and to the extent that, the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values;
  - (b) The determination of settings, grounds, and approaches for and the siting of buildings and structures, outdoor areas, or other improvements;
  - (c) The setting of grades, shaping and contouring of land and water forms, determination of drainage, and provision for storm drainage and irrigation systems where such systems are necessary to the purposes outlined herein; and
  - (d) The design of such tangible objects and features as are necessary to the purpose outlined herein.
- (7) "Landscape design" means consultation for and preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials. Such plans may include only recommendations for the conceptual placement of tangible objects for landscape design projects. Construction documents, details, and specifications for tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by law.

**History.**—ss. 2, 18, ch. 79-407; ss. 2, 3, ch. 81-318; ss. 2, 18, 19, ch. 88-347; s. 8, ch. 91-41; s. 8, ch. 91-68; s. 4, ch. 91-429; s. 173, ch. 94-218; s. 1, ch. 98-245; s. 27, ch. 2009-243.

**481.305 Board of Landscape Architecture.**—There is created in the Department of Business and Professional Regulation the Board of Landscape Architecture. The board shall consist of seven members, five of whom shall be registered landscape architects and two of whom shall be laypersons who are not and have never

been registered landscape architects or members of any closely related profession. Members shall be appointed for 4-year terms.

**History.**—ss. 3, 18, ch. 79-407; ss. 2, 3, ch. 81-318; ss. 3, 18, 19, ch. 88-347; s. 4, ch. 91-429; s. 174, ch. 94-218.

**481.306 Authority to make rules.**—The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and chapter 455 conferring duties upon it.

**History.**—s. 1, ch. 80-218; ss. 13, 15, 25, 30, 34, 62, 65, ch. 80-406; s. 2, ch. 81-318; ss. 4, 18, 19, ch. 88-347; s. 4, ch. 91-429; s. 132, ch. 98-166; s. 153, ch. 98-200; s. 192, ch. 2000-160.

**481.307 Fees.**—The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, delinquency, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the costs of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The combined fees for initial application and examination may not exceed \$800 plus the actual per applicant cost to the department for purchase of portions of the examination from the Council of Landscape Architectural Registration Boards or a similar national organization. The biennial renewal fee may not exceed \$600. The delinquency fee may not exceed the biennial renewal fee established by the board for an active license. The board shall establish fees that are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of landscape architects. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of landscape architects.

**History.**—ss. 4, 18, ch. 79-407; ss. 2, 3, ch. 81-318; s. 80, ch. 83-329; s. 2, ch. 87-327; s. 26, ch. 88-205; ss. 5, 18, 19, ch. 88-347; s. 56, ch. 89-162; s. 4, ch. 91-429; s. 237, ch. 94-119.

**481.309 Examinations.**—

(1) A person desiring to be licensed as a registered landscape architect shall apply to the department to take the licensure examination. The department shall examine each applicant who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination; and

(b)1. Has completed a professional degree program in landscape architecture as approved by the Landscape Architectural Accreditation Board; or

2. Presents evidence of not less than 6 years of actual practical experience in landscape architectural work of a grade and character satisfactory to the board. Each year of education completed in a recognized school shall be considered to be equivalent to 1 year of experience, with a maximum credit of 4 years.

(2) The licensure examination shall include, but not be limited to an examination on the specialized aspects of the practice of landscape architecture in this state.

**History.**—ss. 5, 18, ch. 79-407; ss. 2, 3, ch. 81-318; s. 81, ch. 83-329; ss. 6, 18, 19, ch. 88-347; s. 4, ch. 91-429.

**481.310 Practical experience requirement.**—Beginning October 1, 1990, every applicant for licensure as a registered landscape architect shall demonstrate, prior to licensure, 1 year of practical experience in landscape architectural work. The board shall adopt rules providing standards for the required experience. An applicant who qualifies for examination pursuant to s. 481.309(1)(b)1. may obtain the practical experience after completing the required professional degree. Experience used to qualify for examination pursuant to s. 481.309(1)(b)2. may not be used to satisfy the practical experience requirement under this section.

**History.**—ss. 7, 19, ch. 88-347; s. 4, ch. 91-429.

**481.311 Licensure.**—

(1) The department shall license any applicant who the board certifies is qualified to practice landscape architecture and who has paid the initial licensure fee.

(2) The board shall certify for licensure any applicant who:

- (a) Passes the examination required by s. 481.309; and
- (b) Satisfies the experience requirement of s. 481.310.
- (3) The board shall certify as qualified for a license by endorsement an applicant who:
  - (a) Qualifies to take the examination as set forth in s. 481.309; and has passed a national, regional, state, or territorial licensing examination which is substantially equivalent to the examination required by s. 481.309; or
  - (b) Holds a valid license to practice landscape architecture issued by another state or territory of the United States, if the criteria for issuance of such license were substantially identical to the licensure criteria which existed in this state at the time the license was issued.
- (4) The board shall certify as qualified for a certificate of authorization any applicant corporation or partnership who satisfies the requirements of s. 481.319.
- (5) The board may refuse to certify any applicant who is under investigation in any jurisdiction for any act which would constitute a violation of this act or of chapter 455, until the investigation is complete and disciplinary proceedings have been terminated.

(6) The board may refuse to certify any applicant who has violated any of the provisions of s. 481.325.

**History.**—ss. 7, 18, ch. 79-407; ss. 2, 3, ch. 81-318; ss. 8, 18, 19, ch. 88-347; s. 4, ch. 91-429; s. 242, ch. 94-119; s. 133, ch. 98-166; s. 193, ch. 2000-160.

#### **481.313      Renewal of license.—**

- (1) The department shall renew a license upon receipt of the renewal application and fee.
- (2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.
- (3) No license renewal shall be issued to a landscape architect by the department until the licensee submits proof, satisfactory to the department, that during the 2-year period prior to application for renewal, the licensee participated in such continuing education courses required by the board. The board shall approve only continuing education courses that relate to and increase the basic knowledge of landscape architecture. The board may make an exception from the requirements of continuing education in emergency or hardship cases.
- (4) The board, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall establish criteria for the approval of continuing education courses and providers, and shall by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.
- (5) The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the licensee's respective area of practice.

**History.**—ss. 8, 18, ch. 79-407; ss. 2, 3, ch. 81-318; ss. 18, 19, ch. 88-347; s. 4, ch. 91-429; s. 238, ch. 94-119; s. 17, ch. 98-287; s. 123, ch. 2000-141; s. 35, ch. 2001-186; s. 4, ch. 2001-372; s. 128, ch. 2008-4; s. 23, ch. 2009-195.

#### **481.315      Inactive status.—**

- (1) A license that has become inactive or delinquent may be reactivated under this section upon application to the department and payment of any applicable biennial renewal or delinquency fee, or both, and a reactivation fee. The board may prescribe by rule continuing education requirements as a condition of reactivating the license. The continuing education requirements for reactivating a license may not exceed 12 classroom hours for each year the license was inactive.
- (2) The board shall adopt rules relating to application procedures for inactive status and for the reactivation of inactive licenses.

**History.**—ss. 9, 18, ch. 79-407; s. 358, ch. 81-259; ss. 2, 3, ch. 81-318; s. 113, ch. 83-329; ss. 9, 18, 19, ch. 88-347; s. 4, ch. 91-429; s. 239, ch. 94-119.

#### **481.317      Temporary certificates.—**

(1) Upon the approval by the board and payment of the fee set in s. 481.307, the department shall grant a temporary certificate of registration for work on a specified project in this state for a period not to exceed 1 year to an applicant who is licensed in another state or territory to practice landscape architecture.

(2) Upon approval by the board and payment of the fee set in s. 481.307, the department shall grant a temporary certificate of authorization for work on one specified project in this state for a period not to exceed 1 year to an out-of-state corporation, partnership, or firm, provided one of the principal officers of the corporation, one of the partners of the partnership, or one of the principals in the fictitiously named firm has obtained a temporary certificate of registration in accordance with subsection (1).

(3) The application for a temporary certificate shall constitute appointment of the Department of State as an agent of the applicant for service of process in any action or proceeding against the applicant arising out of any transaction or operation connected with or incidental to the practice of landscape architecture for which the temporary license was issued.

**History.**—ss. 10, 18, ch. 79-407; ss. 2, 3, ch. 81-318; ss. 10, 18, 19, ch. 88-347; s. 4, ch. 91-429.

**481.319 Corporate and partnership practice of landscape architecture; certificate of authorization.—**

(1) The practice of or offer to practice landscape architecture by registered landscape architects registered under this part through a corporation or partnership offering landscape architectural services to the public, or through a corporation or partnership offering landscape architectural services to the public through individual registered landscape architects as agents, employees, officers, or partners, is permitted, subject to the provisions of this section, if:

(a) One or more of the principal officers of the corporation, or partners of the partnership, and all personnel of the corporation or partnership who act in its behalf as landscape architects in this state are registered landscape architects;

(b) One or more of the officers, one or more of the directors, one or more of the owners of the corporation, or one or more of the partners of the partnership is a registered landscape architect; and

(c) The corporation or partnership has been issued a certificate of authorization by the board as provided herein.

(2) All documents involving the practice of landscape architecture which are prepared for the use of the corporation or partnership shall bear the signature and seal of a registered landscape architect.

(3) An applicant corporation shall file with the department the names and addresses of all officers and board members of the corporation, including the principal officer or officers, duly registered to practice landscape architecture in this state and, also, of all individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by the corporation in this state. An applicant partnership shall file with the department the names and addresses of all partners of the partnership, including the partner or partners duly registered to practice landscape architecture in this state and, also, of an individual or individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by said partnership in this state.

(4) Each partnership and corporation licensed under this part shall notify the department within 1 month of any change in the information contained in the application upon which the license is based. Any landscape architect who terminates his or her employment with a partnership or corporation licensed under this part shall notify the department of the termination within 1 month.

(5) Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered landscape architect.

(6) The fact that registered landscape architects practice landscape architecture through a corporation or partnership as provided in this section shall not relieve any landscape architect from personal liability for his or her professional acts.

**History.**—ss. 6, 18, ch. 79-407; ss. 2, 3, ch. 81-318; ss. 11, 18, 19, ch. 88-347; s. 4, ch. 91-429; s. 422, ch. 97-103.



**481.321 Seals; display of certificate number.—**

(1) The board shall prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration. Each registered landscape architect shall obtain one seal in a form approved by rule of the board and may, in addition, register her or his seal electronically in accordance with ss. 668.001-668.006. All final plans, specifications, or reports prepared or issued by the registered landscape architect and filed for public record shall be signed by the registered landscape architect, dated, and stamped or sealed electronically with her or his seal. The signature, date, and seal constitute evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by a registered landscape architect may be transmitted electronically and may be signed by the registered landscape architect, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.

(2) It is unlawful for any person to sign and seal by any means any final plan, specification, or report after her or his certificate of registration is expired, suspended, or revoked. A registered landscape architect whose certificate of registration is suspended or revoked shall, within 30 days after the effective date of the suspension or revocation, surrender her or his seal to the executive director of the board and confirm in writing to the executive director the cancellation of the landscape architect's electronic signature in accordance with ss. 668.001-668.006. When a landscape architect's certificate of registration is suspended for a period of time, her or his seal shall be returned upon expiration of the period of suspension.

(3) No registered landscape architect shall affix or permit to be affixed her or his seal or name to any plan, specification, drawing, or other document which was not prepared by her or him or under her or his responsible supervising control or which was not reviewed, approved, or modified, and adopted by her or him as her or his own work with full responsibility as a landscape architect for such documents.

(4) Nothing in this part shall prohibit a registered landscape architect from filing plans of work defined under this part.

(5) Each registered landscape architect and each corporation or partnership holding a certificate of authorization shall include its certificate number in any newspaper, telephone directory, or other advertising medium used by the registered landscape architect, corporation, or partnership. A corporation or partnership is not required to display the certificate numbers of individual registered landscape architects employed by or practicing with the corporation or partnership.

**History.**—ss. 13, 18, ch. 79-407; ss. 2, 3, ch. 81-318; ss. 12, 18, 19, ch. 88-347; s. 4, ch. 91-429; s. 423, ch. 97-103; s. 2, ch. 2005-30; s. 6, ch. 2005-124.

**481.323 Prohibitions; penalties.—**

(1) A person may not knowingly:

- (a) Practice landscape architecture unless the person is a holder of a valid license issued under this part;
  - (b) Use the name or title "landscape architect," "landscape architecture," "landscape architectural," "landscape engineering," "L.A.," or words to that effect, or advertise any title or description tending to convey the impression that he or she is a landscape architect when he or she is not then the holder of a valid license issued pursuant to this part;
  - (c) Present as his or her own the license of another;
  - (d) Give false or forged evidence to the board or a member thereof;
  - (e) Use or attempt to use a landscape architect license that has been suspended, revoked, or placed on inactive or delinquent status;
  - (f) Employ unlicensed persons to practice landscape architecture;
  - (g) Aid and abet an unauthorized person in the practice of landscape architecture; or
  - (h) Conceal information relative to violations of this part.
- (2) Any person who violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

**History.**—ss. 14, 18, ch. 79-407; s. 2, ch. 80-218; ss. 13, 15, 25, 30, 34, 62, 66, ch. 80-406; ss. 2, 3, ch. 81-318; ss. 13, 18, 19, ch. 88-347; s. 112, ch. 91-224; s. 4, ch. 91-429; s. 240, ch. 94-119; s. 424, ch. 97-103.

#### **481.325 Disciplinary proceedings.—**

- (1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:
  - (a) Violation of any provision of s. 455.227(1), s. 481.321, or s. 481.323.
  - (b) Attempting to procure a license to practice landscape architecture by bribery or fraudulent misrepresentations.
  - (c) Having a license to practice landscape architecture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.
  - (d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of landscape architecture or the ability to practice landscape architecture.
  - (e) Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only those that are signed in the capacity of a registered landscape architect.
  - (f) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.
  - (g) Committing an act of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of landscape architecture.
  - (h) Violation of any rule adopted pursuant to this part or chapter 455.
  - (i) Practicing on a revoked, suspended, inactive, or delinquent license.
  - (j) Aiding, assisting, procuring, or advising any unlicensed person to practice landscape architecture contrary to this part or to any rule of the department or of the board.
  - (k) Failing to perform any statutory or legal obligation placed upon a licensed landscape architect.
  - (l) Affixing or permitting to be affixed her or his seal or name to any plan, specification, drawing, or other document which was not prepared by her or him or under her or his responsible supervising control or which was not reviewed, approved, or modified, and adopted by her or him as her or his own work.
- (2) The board shall specify, by rule, what acts or omissions constitute a violation of subsection (1).
- (3) When the board finds any registered landscape architect guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:
  - (a) Denial of an application for licensure.
  - (b) Revocation or suspension of a license.
  - (c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense and a fine of up to \$5,000 for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction.
  - (d) Issuance of a reprimand.
  - (e) Placement of the registered landscape architect on probation for a period of time and subject to such conditions as the board may specify, including requiring the registered landscape architect to attend continuing education courses or to work under the supervision of another registered landscape architect.
  - (f) Restriction of the authorized scope of practice by the registered landscape architect.
- (4) The department shall reissue the license of a disciplined registered landscape architect upon certification by the board that she or he has complied with all of the terms and conditions set forth in the final order.

**History.**—ss. 15, 18, ch. 79-407; ss. 2, 3, ch. 81-318; ss. 14, 18, 19, ch. 88-347; s. 4, ch. 91-429; s. 241, ch. 94-119; s. 425, ch. 97-103; s. 134, ch. 98-166; s. 18, ch. 98-287; s. 124, ch. 2000-141; s. 194, ch. 2000-160; s. 35, ch. 2001-186; s. 4, ch. 2001-372; s. 4, ch. 2005-30; s. 7, ch. 2005-124; s. 61, ch. 2009-195; s. 52, ch. 2010-106.

**481.329 Exceptions; exemptions from licensure.—**

(1) None of the provisions of this part shall prevent employees of those lawfully practicing as landscape architects from acting under the instructions, control, or supervision of their employers.

(2) None of the provisions of this part shall apply to supervision by builders or superintendents employed by such builders in the installation of landscape projects by landscape contractors.

(3) None of the provisions of this part shall apply to any general contractor certified or registered pursuant to the provisions of chapter 489 when negotiating or performing services under a design-build contract, as long as the landscape architectural services offered or rendered in connection with the contract are offered and rendered by a landscape architect licensed in accordance with this part, or by an architect licensed in accordance with part I or by an engineer licensed in accordance with chapter 471.

(4) This part shall not be deemed to prohibit any person from making any plans, drawings, or specifications for any real or personal property owned by her or him so long as she or he does not use the title, term, or designation "landscape architect," "landscape architectural," "landscape architecture," "L.A.," "landscape engineering," or any description tending to convey the impression that she or he is a landscape architect, unless she or he is registered as provided in this part or is exempt from registration under the provisions of this part.

(5) Nothing in this part prohibits any person from engaging in the practice of landscape design, as defined in s. 481.303(7), nor submitting such plans to governmental agencies for approval. Persons providing landscape design services shall not use the title, term, or designation "landscape architect," "landscape architectural," "landscape architecture," "L.A.," "landscape engineering," or any description tending to convey the impression that she or he is a landscape architect unless she or he is registered as provided in this part.

(6) This part shall not be construed to affect part I of this chapter, chapter 471, or chapter 472, respectively, except that no such person shall use the designation or term "landscape architect," "landscape architectural," "landscape architecture," "L.A.," "landscape engineering," or any description tending to convey the impression that she or he is a landscape architect, unless she or he is registered as provided in this part.

(7) Persons who perform landscape architectural services not for compensation, or in their capacity as employees of municipal or county governments, shall not be required to be licensed pursuant to this part. However, persons who are hired under the title "landscape architect" by any state, county, municipality, or other governmental unit of this state after June 30, 1988, shall be required to be licensed pursuant to this part. Nothing herein shall preclude a county or municipal employee from performing the functions of this part for her or his governmental employer under a different title.

(8) Nothing herein contained under this part shall preclude, pursuant to law, the preparation of comprehensive plans or the practice of comprehensive urban or rural planning at the local, regional, or state level by persons, corporations, partnerships, or associations who are not licensed or registered as landscape architects.

(9)(a) Nothing in this part prohibits a person from engaging in the practice of, or offering to practice as, a golf course architect.

(b) As used in this subsection, the term "golf course architect" means a person who performs professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision, where the predominant purpose of such service is the design of a golf course.

**History.**—ss. 11, 18, ch. 79-407; s. 3, ch. 80-218; ss. 13, 15, 25, 30, 34, 62, 67, ch. 80-406; s. 359, ch. 81-259; ss. 2, 3, ch. 81-318; ss. 15, 18, 19, ch. 88-347; s. 4, ch. 89-115; s. 70, ch. 89-162; s. 4, ch. 91-429; s. 157, ch. 94-119; s. 426, ch. 97-103; s. 2, ch. 98-245; s. 26, ch. 99-7; s. 12, ch. 2011-222.

## Summary of Proposed Revision to ROGO/NROGO Application Process.

### Current Process:

STEPS	Application Type	Current Fees	Proposed New or revised fees	Pros/Cons
STEP 1	<p>Applicants must apply for building permit, including:</p> <ul style="list-style-type: none"> <li>Engineered site and structural plans;</li> <li>Department of Health design and Permitting;</li> <li>Electric Design and Electric Company permitting;</li> <li>Potable Water approvals;</li> <li>Army COE permits; and DEP Permits</li> </ul>	Typically averages approximately \$17000 with only \$750 included in submittal to County Building Department	Would be approximately \$1500 for site plan and then a COUNTY site plan application fee of \$3089 for single-family	<p>PRO:</p> <p>Industry doesn't have to spend all the upfront costs to get all agency permits PRIOR TO knowing whether they will receive a ROGO allocation</p> <p>CON:</p> <p>Additional fee of \$3089 added to overall cost of permit</p>
STEP 2	Applicants apply for ROGO allocation or NROGO allocation for commercial	Single Family - \$768	<p>Single Family Tier III - \$768</p> <p>Multi-Family Tier I, II, IIIA - \$4410</p> <p>We are proposing raising the fee for ROGO, based on time spent by staff on these types of projects</p>	CON: Staff is proposing an increase in the ROGO application fee for a Tier I, II, IIIA site
STEP 3	After award from ROGO of an allocation – Applicants pick up and pay for final permit	County fee – around \$2000 for single family	** Currently proposed to be the same, although staff plans to evaluate fees in the Spring/Summer of 2012	Fees could be recommended for increase, upon evaluation of resources needed to complete permit review and inspections

### Proposed Process:

STEPS	Application Type	Current Fees	Proposed New or revised fees	Pros/Cons
STEP 1	Applicants will first apply for site plan approval obtaining review by Planning and Biology for single-family and other departments for Multi-family and Commercial so number of points can be calculated for ROGO application	\$0	\$3089 (single-family) for new site plan approval application	<p>PRO:</p> <p>Industry doesn't have to spend all the upfront costs to get all agency permits PRIOR TO knowing whether they will receive a ROGO allocation</p> <p>CON:</p> <p>Additional fee of \$3089 added to overall cost of permit</p>
STEP 2	Applicants apply for ROGO allocation or NROGO allocation for commercial	Single-Family - \$768	<p>Single Family Tier III - \$768</p> <p>Multi-Family Tier I, II, IIIA - \$4410</p> <p>We are proposing raising the fee for ROGO, based on time spent by staff on these types of projects</p>	CON: Staff is proposing an increase in the ROGO application fee for a Tier I, II, IIIA site
STEP 3	<p>After award from ROGO of an allocation – Applicants Apply for building permit, including:</p> <ul style="list-style-type: none"> <li>Engineered site and structural plans;</li> <li>Department of Health design and Permitting;</li> <li>Electric Design and Electric Company permitting;</li> <li>Potable Water approvals;</li> <li>Army COE permits; and DEP Permits</li> </ul>	Typically averages approximately \$17,000 with \$750 +2000 included in submittal to County Building Department for single family	** Currently proposed to be the same, although staff plans to evaluate fees in the Spring/Summer of 2012	<p>PRO: Industry doesn't have to expend fees prior to receiving ROGO allocation</p> <p>CON: Fees could be recommended for increase, upon evaluation of resources needed to complete permit review and inspections</p>
STEP 4	After review of permit with all items, Applicants pick up and pay for final permit			

**ROGO AND NROGO SITE PLAN REVIEW FEE ESTIMATION  
SINGLE FAMILY (SF)**

	<i>Est. Costs for SF to Apply for ROGO Site Plan Approval</i>	<i>Current</i>	<i>Proposed</i>	<i>Tier I, II,</i>
			<i>Tier III</i>	<i>IIIA</i>
<b>1</b>	Site Plan		\$1,500	\$1,500
	DOH Design	\$2,000		
	Architectural Building Plans	\$5,000		
	Survey	\$450	\$450	\$450
	<b>Site Plan Application (County)</b>		<b>\$3,089</b>	<b>\$3,089</b>
	Wastewater Application (DOH/Sewer Utility)	\$1,250		
	Electric Certificate (average between KES and FKEC)	\$500		
	Water Certificate (FKAA)	\$4,860		
	<b>Building Permit Application (County)</b>	\$750		
	Building Permit Reviews (County)	\$2,000		
<b>Step 1 Sub-Total</b>		<b>\$16,810</b>	<b>\$5,039</b>	<b>\$5,039</b>
<b>2</b>	<i>Est. Costs for SF to Entering ROGO System</i>	<i>Current</i>	<i>Proposed</i>	<i>Proposed</i>
	<b>ROGO Application (County)</b>	\$768	\$768 *	\$4,409
<b>Step 2 Sub-Total</b>		<b>\$768</b>	<b>\$768 *</b>	<b>\$4,409</b>
<b>EST. TOTAL COST PRIOR TO BUILDING PERMIT SUBMITTAL (Step 1+2)</b>		<b>\$17,578</b>	<b>\$5,807</b>	<b>\$9,448</b>
<b>3</b>	<i>Est. Costs for SF After ROGO Allocation is Awarded</i>	<i>Current</i>	<i>Proposed</i>	<i>Proposed</i>
	DOH Design		\$2,000	\$2,000
	Architectural Building Plans		\$5,000	\$5,000
	Wastewater Application (DOH/Sewer Utility)		\$1,250	\$1,250
	Electric Certificate (average between KES and FKEC)		\$500	\$500
	Water Certificate (FKAA)		\$4,860	\$4,860
	<b>Building Permit Application (County)</b>		\$750	\$750
	Building Permit Reviews (County)		\$2,000	\$2,000
<b>Step 3 Sub-Total</b>		<b>\$0</b>	<b>\$16,360</b>	<b>\$16,360</b>
<b>EST. GRAND TOTAL COST (Step 1+2+3)</b>		<b>\$17,578</b>	<b>\$22,167</b>	<b>\$25,808</b>
<b>Decrease prior to entering ROGO</b>		<b>0</b>	<b>(\$11,771)</b>	<b>(\$8,130)</b>
<b>Overall Increase</b>		<b>0</b>	<b>\$4,589</b>	<b>\$8,230</b>
<b>County Application Fees (Total Site Plan, ROGO and Building Permit)</b>		<b>\$1,518</b>	<b>\$4,607</b>	<b>\$8,248</b>

\* Tier III ROGO fee remains unchanged per review of comments/suggestions from Construction Industry Informal Group participants.

**ROGO AND NROGO SITE PLAN REVIEW FEE ESTIMATION**  
**MULTI FAMILY (MF) - 2 units only estimated**

1	<b>Est. Costs for MF to Apply for ROGO Site Plan Approval</b>	<b>Current</b>	<b>Proposed</b>
	Site Plan**		\$2,500
	DOH Design**	\$2,000	
	Architectural Building Plans**	\$5,000	
	Survey	\$450	\$450
	<b>Site Plan Application (County)</b>		<b>\$5,080</b>
	Wastewater Application (DOH/Sewer Utility)*	\$1,250	
	Electric Certificate (average between KES and FKEC)*	\$500	
	Water Certificate (FKAA)*	\$4,860	
	<b>Building Permit Application (County)*</b>	\$1,500	
	Building Permit Reviews (County)	\$6,000	
<b>Step 1 Sub-Total</b>		<b>\$21,560</b>	<b>\$8,030</b>
2	<b>Est. Costs for MF Prior to Entering ROGO System</b>	<b>Current</b>	<b>Proposed</b>
	<b>ROGO Application (County) *** \$4409 per unit assuming 2 units</b>	\$1,536	\$8,818
<b>Step 2 Sub-Total</b>		<b>\$1,536</b>	<b>\$8,818</b>
<b>EST. TOTAL COST PRIOR TO BUILDING PERMIT SUBMITTAL (Step 1+2)</b>		<b>\$23,096</b>	<b>\$16,848</b>
3	<b>Est. Costs for MF After ROGO Allocations are Awarded</b>	<b>Current</b>	<b>Proposed</b>
	DOH Design**		\$2,000
	Architectural Building Plans**		\$5,000
	Wastewater Application (DOH/Sewer Utility)*		\$1,250
	Electric Certificate (average between KES and FKEC)*		\$500
	Water Certificate (FKAA)*		\$4,860
	<b>Building Permit Application (County)*</b>		\$1,500
	Building Permit Reviews (County)		\$6,000
<b>Step 3 Sub-Total</b>		<b>\$0</b>	<b>\$21,110</b>
<b>EST. GRAND TOTAL COST (Step 1+2+3)</b>		<b>\$23,096</b>	<b>\$37,958</b>
<b>Decrease prior to entering ROGO</b>			<b>(\$6,248)</b>
<b>Overall Increase:</b>			<b>\$14,862</b>
<b>County Application Fees (Total Site Plan, ROGO and Building Permit)</b>		<b>\$3,036</b>	<b>\$15,398</b>

\*Fees denoted with asterisk are per unit

\*\*Fees associated with plan preparation may increase notably with each additional unit.

\*\*\* Fees denoted with asterisk are per unit times 2 units



**ROGO AND NROGO SITE PLAN REVIEW FEE ESTIMATION  
NONRESIDENTIAL/MIXED USE (N/MU)**

<b>1</b>	<b><i>Est. Costs for N/MU to Apply for NROGO Site Plan Approval</i></b>	<b><i>Current</i></b>	<b><i>Proposed</i></b>
	Site Plan**		\$3,000
	DOH Design**	\$4,000	
	Architectural Building Plans**	\$10,000	
	Survey	\$450	\$450
	<b><i>Site Plan Application (County)</i></b>		<b><i>\$5,080</i></b>
	Wastewater Application (DOH/Sewer Utility)	\$1,800	
	Electric Certificate (average between KES and FKEC)	\$18,500	
	Water Certificate (FKAA)	\$10,000	
	<b><i>Building Permit Application (County)</i></b>	<b><i>\$1,500</i></b>	
	Building Permit Reviews (County)	\$3,000	
<b>Step 1 Sub-Total</b>		<b>\$49,250</b>	<b>\$8,530</b>
<b>2</b>	<b><i>Est. Costs for N/MU Prior to Entering NROGO/ROGO system</i></b>	<b><i>Current</i></b>	<b><i>Proposed</i></b>
	<b><i>NROGO Application (County)</i></b>	<b><i>\$774</i></b>	<b><i>\$1,870</i></b>
<b>Step 2 Sub-Total</b>		<b>\$774</b>	<b>\$1,870</b>
<b>EST. TOTAL COST PRIOR TO BUILDING PERMIT SUBMITTAL (Step 1+2)</b>		<b>\$50,024</b>	<b>\$10,400</b>
<b>3</b>	<b><i>Estimated Costs for Nonresidential After NROGO/ROGO Allocation is</i></b>	<b><i>Current</i></b>	<b><i>Proposed</i></b>
	DOH Design**		\$4,000
	Architectural Building Plans**		\$10,000
	Wastewater Application (DOH/Sewer Utility)		\$1,800
	Electric Certificate (average between KES and FKEC)		\$18,500
	Water Certificate (FKAA)		\$10,000
	<b><i>Building Permit Application (County)</i></b>		<b><i>\$1,500</i></b>
	Building Permit Reviews (County)		\$3,000
<b>Step 3 Sub-Total</b>		<b>\$0</b>	<b>\$48,800</b>
<b>EST. GRAND TOTAL COST (Step 1+2+3)</b>		<b>\$50,024</b>	<b>\$59,200</b>
<b><i>Decrease prior to entering ROGO</i></b>			<b><i>(\$39,624)</i></b>
<b>Overall Increase:</b>			<b>\$9,176</b>
<b>County Application Fees (Total Site Plan, ROGO and Building Permit)</b>		<b>\$2,274</b>	<b>\$8,450</b>

**\*\*Fees associated with plan preparation may increase notably with each additional unit.**



**BOARD OF COUNTY COMMISSIONERS**

Mayor David Rice, District 4  
Mayor Pro Tem Kim Wigington, District 1  
Heather Carruthers, District 3  
George Neugent, District 2  
Sylvia J. Murphy, District 5

Monroe County  
Board of County Commissioners  
Office of the County Administrator  
The Historic Gato Cigar Factory  
1100 Simonton Street, Suite 205  
Key West, FL 33040  
(305) 292-4441 – Phone  
(305) 292-4544 - Fax



January 12, 2012

Mr. Brad G. Loar, CFM, Director  
Mitigation Division  
U.S. Department of Homeland Security  
FEMA Region IV  
3003 Chamblee Tucker Road  
Atlanta, GA 30341

Dear Mr. Loar

Enclosed please find a copy of Resolution 440-2011 for the amending of Exhibit 1 of Resolution No. 152-2003 of the Board of County Commissioners of Monroe County approving a 2011 Implementation Plan for the Flood Insurance Inspection and Compliance Program for submittal to the Federal Emergency Management Agency, which was passed and adopted by the Monroe County Board of County Commissioners on December 14, 2011.

If you have any questions, please don't hesitate to contact my office at (305) 292-4441.

Sincerely,

Roman Gastesi, Administrator  
Monroe County, Florida

Enclosure

Cc: Monroe County Board of County Commissioners  
Christine Hurley, Growth Management Director, Monroe County  
Suzanne Hutton, County Attorney, Monroe County

**RESOLUTION 440 -2011**

**A RESOLUTION AMENDING EXHIBIT 1 OF RESOLUTION NO. 152-2003 OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY APPROVING A 2011 IMPLEMENTATION PLAN FOR THE FLOOD INSURANCE INSPECTION AND COMPLIANCE PROGRAM FOR SUBMITTAL TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY**

**WHEREAS**, the Board of County Commissioners ("BOCC") adopted Resolution No. 152-2003 on April 16, 2003, approving a revised remedial plan for submittal to the Federal Emergency Management Administration (FEMA), called the "Revised Implementation Plan for Monroe County Flood Insurance Inspection and Compliance Program" to meet one of the requirements identified in a letter from FEMA's Region IV Director, dated January 14, 2002; and,

**WHEREAS**, the "Revised Implementation Plan for Monroe County Flood Insurance Inspection and Compliance Program" was subsequently approved by FEMA; and,

**WHEREAS**, the State of Florida Legislature adopted House Bill 407 (attached as Exhibit 2) that has rendered Section 1 of Exhibit 1 of Resolution 152-2003 **"Actions to Ensure No New Additional Non-conforming Structures"**, concerning inspection of a downstairs enclosure prior to issuance of a building permit unenforceable; and,

**WHEREAS**, Monroe County received confirmation from FEMA officials that if House Bill 407 was passed by the Florida Legislature, FEMA would consider an alternative replacement remedial action to continue to assure the County is working toward the elimination of illegal enclosures below base flood elevation; and

**WHEREAS**, the Growth Management Division staff is preparing draft amendments to the County's floodplain regulations in accordance with the new implementation plan;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

Section 1. The BOCC hereby adopts Exhibit 1 attached hereto "2011 Implementation Plan for Monroe County Flood Insurance Inspection and Compliance Program".

Section 2. The County Administrator is directed to expeditiously transmit this Resolution and attached exhibit to the Region IV Office of FEMA.

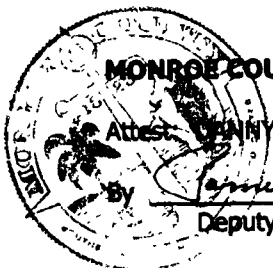
Section 3. The Growth Management Division staff is directed to prepare new amendments to the County's floodplain regulations based on Exhibit 1 and continue the process for consideration of these text amendments.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County at a regular meeting of said Board held on the 14<sup>th</sup> day of December, 2011.

Mayor David Rice  
Mayor *Pro Tem* Kim Wigington  
Commissioner Heather Carruthers  
Commissioner Sylvia Murphy  
Commissioner George Neugent

Yes  
Yes  
Yes  
Yes  
Yes

FILED FOR RECORD  
2012 JAN -5 PM 2:23



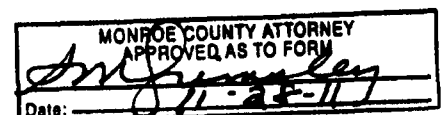
**MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**

Attest: JANNY L. KOLHAGE, CLERK

By [Signature]  
Deputy Clerk

By

[Signature]  
Mayor David Rice



**EXHIBIT 1**  
**2011 IMPLEMENTATION PLAN FOR THE MONROE COUNTY**  
**FLOOD INSURANCE INSPECTION AND COMPLIANCE PROGRAM**

**Flood Insurance Inspection Program**

- Prior to March 14, 2002, the Growth Management Division staff submitted a complete list of the names and addresses of owners (policy holders provided by FEMA) of all structures less than four years old that may contain possible violations of the County's floodplain regulations to the Federal Emergency Flood Insurance and Mitigation Division (FEMA/NFIP).

In June, 2002, the County Growth Management Division staff began submitting monthly to FEMA/NFIP, the names and addresses of approximately -50 owners (policy holders) of structures with possible conflicts with violations of the County's floodplain regulation. The compiled lists are being sent to FEMA, starting with the newest structures working back through to the oldest structures. In November, 2010, the last of the policy holders were submitted to FEMA/NFIP and the County's Building and Code Enforcement staff is conducting inspections and implementing the Flood Insurance Inspection and Compliance Program as outlined in the Federal Register.

- In addition to the Floodplain Compliance program in the Federal Register, the County has developed two additional Floodplain Compliance Programs to gain compliance with Floodplain regulations:
  1. Inspection on Transfer Program; and
  2. Certificate of Compliance Program

**Remediation of Non-conforming Structures Including Those Older than Four Years**

There is no 4 year bar of prosecution for structures that do not meet floodplain regulations, that did not receive permits and were constructed illegally and therefore, Monroe County shall enforce floodplain requirements for any structure that has been constructed or improved without benefit of a permit or approval from Monroe County to the greatest extent enforceable by law.

**Actions to Ensure No New Additional Illegal Structures**

- The County through its County Growth Management Division will implement the following actions, consistent with the Florida Statutes, to ensure that any new conflicts between the way structures were originally permitted and with the floodplain regulations are resolved timely:
  - 1) **Inspection on Transfer of Ownership Program.** Maintain the existing floodplain regulations and appropriate sections of the County Code to require that any residential structure having a downstairs enclosure with an opaque wall covering have a County compliance inspection prior to transfer of property; and to provide that such inspections required prior to the transfer of property can be conducted, at the discretion of the property owner, by either the County staff or a registered architect or professional engineer. [The requirement for an inspection prior to the transfer of property does not also require that the property be brought into compliance prior to transfer or, subsequent to transfer. The sole intent of this inspection is to provide information for recording and monitoring improvements to

downstairs enclosures subject to the County's floodplain regulations. This inspection is not intended to be used to identify or prosecute any other unpermitted improvements that are not subject to the floodplain regulations.]

- 2) Maintain the existing floodplain regulations to allow the expansion or structural alteration of the elevated portion of any residential structure non-conforming with the floodplain regulations contingent upon the following conditions as appropriate: a) the improvement is not substantial as defined under the floodplain regulations; b) a pre-permitting inspection is completed by the County to document the extent of the non-conformity; and, c) If within a "V" zone, the submittal of a professional engineer's or registered architect's sealed certification that the non-conforming improvements to the downstairs enclosure do not subject the elevated portion of the structure to increases structural damage.
- 3) **Certificate of Compliance Program.** Amend the existing floodplain regulations to implement a Certificate of Compliance Program including:
  - a. Obtaining data from the Monroe County Property Appraiser which will identify all single family residences which contain enclosures that are identified as living area on the ground floor. Once this data is captured, technical staff will deduct all the parcels that have already received inspections via the pilot program, transfer of ownership program, or the previously applicable inspection on building permit program, and been made compliant.
  - b. The remaining property owners will be notified via mail that an inspection is required in order to verify compliance with the Monroe County Floodplain Ordinance.
  - c. Once the owners obtain this inspection, and are compliant, they will receive a Certificate of Compliance. This is a proactive opportunity for property owners to receive evidence that they have a compliant structure which will create a positive market condition. If an owner has a non-compliant structure, they will be notified of all the required corrections to the enclosure to become compliant with the permit authorizing the construction, OR the violation will be forwarded to the Code Compliance Department for prosecution.
  - d. Once a property is compliant, the County will provide a non-conversion agreement (with a corresponding drawing attached) to be signed by the property owner and recorded by the county in the County land records so buyers of properties understand what has been approved for areas below base flood elevation.
  - e. This non-conversion agreement will provide protection to future buyers through title work. Every two years an updated potential ground floor enclosure list will be reviewed, and any changes to the Property Record that

indicate illegal construction below base flood elevation will go through the inspection process outlined above again.

- f. The County may also consider obtaining a list of all properties that have transferred ownership and any such property that failed to obtain the required inspection will be contacted for inspection.
  - g. New construction that contains any type of below base flood elevation enclosure, will be required to record a "Notice of Non-Conversion" to the property, which should alleviate this problem in the future.
- 4) Conduct required inspections of downstairs enclosures as stipulated in Actions #1 - #3 above.
  - 5) Continue to vigorously pursue code enforcement action for violation of the County floodplain regulations, for properties developed after the Flood Insurance Rate Maps were implemented, through code enforcement and the normal permitting process, including prosecution of owners of structures, where property tax records and/or evidence from inspections provide probable cause of a violation.
  - 6) Request that FEMA provide the County with a "Submit to Rate" for any applications for new flood insurance policies on previously uninsured properties with a possible violation, so that the County may pursue compliance under code enforcement proceedings, or through a Section 1316 declaration.
  - 7) Maintain existing floodplain regulations to only allow enclosing with opaque materials of downstairs enclosures of 299 square feet or less in area.
  - 8) Request the Monroe County Appraiser to provide the County Growth Management Division with an annual update by residential property owner from the County property tax records of the changes in the habitable floor area of downstairs enclosures, if feasible and practical.
  - 9) Identify and compile for Monroe County's flood insurance inspection and compliance program a list of all structures that fail to come into compliance and submit a quarterly progress report to FEMA beginning July, 2003.
  - 10) Evaluate Monroe County's Flood Insurance Inspections and Compliance Program by July 1, 2012, and if necessary, develop and implement further remedial actions with FEMA's approval, to ensure enforcement of the County's floodplain regulations.

The County Growth Management Division staff has the sufficient resources to implement the above program.



## ENROLLED

CS/HB 407

2011 Legislature

1 A bill to be entitled

2 An act relating to residential building permits; amending  
3 s. 553.79, F.S.; prohibiting local enforcing agencies and  
4 building code officials or entities from requiring certain  
5 inspections of buildings, structures, or real property as  
6 a condition of issuance of certain residential building  
7 permits; providing for application; providing for  
8 conditional repeal; providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsection (17) is added to section 553.79,  
13 Florida Statutes, to read:

14 553.79 Permits; applications; issuance; inspections.-

15 (17) (a) A local enforcing agency, and any local building  
16 code administrator, inspector, or other official or entity, may  
17 not require as a condition of issuance of a one- or two-family  
18 residential building permit the inspection of any portion of a  
19 building, structure, or real property that is not directly  
20 impacted by the construction, erection, alteration,  
21 modification, repair, or demolition of the building, structure,  
22 or real property for which the permit is sought.

23 (b) This subsection does not apply to a building permit  
24 sought for:

25 1. A substantial improvement as defined in s. 161.54 or as  
26 defined in the Florida Building Code.

27 2. A change of occupancy as defined in the Florida  
28 Building Code.

ENROLLED

CS/HB 407

2011 Legislature

29        3. A conversion from residential to nonresidential or  
30 mixed use pursuant to s. 553.507(2)(a) or as defined in the  
31 Florida Building Code.

32        4. An historic building as defined in the Florida Building  
33 Code.

34        (c) This subsection does not prohibit a local enforcing  
35 agency, or any local building code administrator, inspector, or  
36 other official or entity, from:

37        1. Citing any violation inadvertently observed in plain  
38 view during the ordinary course of an inspection conducted in  
39 accordance with the prohibition in paragraph (a).

40        2. Inspecting a physically nonadjacent portion of a  
41 building, structure, or real property that is directly impacted  
42 by the construction, erection, alteration, modification, repair,  
43 or demolition of the building, structure, or real property for  
44 which the permit is sought in accordance with the prohibition in  
45 paragraph (a).

46        3. Inspecting any portion of a building, structure, or  
47 real property for which the owner or other person having control  
48 of the building, structure, or real property has voluntarily  
49 consented to the inspection of that portion of the building,  
50 structure, or real property in accordance with the prohibition  
51 in paragraph (a).

52        4. Inspecting any portion of a building, structure, or  
53 real property pursuant to an inspection warrant issued in  
54 accordance with ss. 933.20-933.30.

55        (d) This subsection is repealed upon receipt by the  
56 Secretary of State of the written certification by the chair of

F L O R I D A   H O U S E   O F   R E P R E S E N T A T I V E S

ENROLLED

CS/HB 407

2011 Legislature

57 the Florida Building Commission that the commission has adopted  
58 an amendment to the Florida Building Code which substantially  
59 incorporates this subsection, including the prohibition in  
60 paragraph (a), as part of the code and such amendment has taken  
61 effect.

62       Section 2.   This act shall take effect July 1, 2012.



**MEMORANDUM**  
**MONROE COUNTY BUILDING DEPARTMENT**  
*We strive to be caring, professional and fair*

To: Planning Commissioners

FROM: Jerry Smith, Building Official

Through: Christine Hurley, Growth Management Division Director

Date: February 2, 2012

Subject: *Proposed Ordinance to the Board of County Commissioners to Chapter 122 – Floodplain Management*

---

**Meeting: March 28, 2012**

---

I REQUEST

The Growth Management Division is proposing an amendment to the text of Chapter 122, of the Monroe County Code, which concerns the Floodplain Ordinance; specifically replacing a long standing program where property owners were required to obtain an inspection of their downstairs enclosure if they applied for a building permit to ensure there were no illegal downstairs improvements below base flood elevation with a new program: Certificate of Compliance.

II RELEVANT PRIOR COUNTY ACTIONS AND BACKGROUND INFORMATION:

Monroe County currently has three primary floodplain compliance programs to assure illegal post-FIRM enclosures of structures below base flood elevation are remedied as follows:

1. Pilot Inspection Program – whereby insured residents are required to obtain an inspection of their downstairs enclosures for continuance of flood insurance
2. Inspection upon request for building permit
3. Inspection upon sale

These three programs resulted from an April 16, 2003 resolution by the Monroe County Board of County Commissioners that included a remedial plan (attached). The remedial plan has been implemented through the County Code of Ordinances.

In 2011, the State of Florida Legislature passed Chapter 2011-82 Laws of Florida (House Bill 407) (attached), which prohibits the County from requiring an inspection of other areas not the subject of a building permit. This pre-emptive legislation prevents Monroe County from inspecting downstairs enclosures upon application for a building permit if the downstairs enclosure is not directly impacted by the proposed work.

1 Under Section 6-107 of the Monroe County Code, which was adopted as part of performance  
2 under the remedial plan, the process for inspection upon building permit is as follows:

- 3
- 4 1. Homeowner asks for building permit and must submit property record card with
- 5 application.
- 6 2. Staff reviews property record card to determine if living area exists in downstairs,
- 7 then writes letter to property owner notifying them of need for inspection.
- 8 3. Property owner calls for inspection.
- 9 4. Perform inspection.
- 10 5. If not in compliance with floodplain management ordinances, owners are notified of
- 11 required remedies.
- 12 6. If permit that was applied for originally was for something irrelevant to the
- 13 downstairs enclosures (e.g. roof, fence, etc.), permit is issued after inspection of
- 14 downstairs area.
- 15 7. If not in compliance, and no remedy is made for downstairs enclosure in time period
- 16 given (3-6 months depending upon severity of violation (plumbing/electric requires
- 17 permitting so longer time period given), violation is referred to Code Enforcement.
- 18 8. Code Enforcement sends Notice of Violation (explaining violation, suggested
- 19 solutions, and who to contact to remedy) and sets hearing before Special Magistrate.
- 20 9. Special Magistrate hears case
- 21 a. If there is a finding that property is not in compliance:
- 22 i. Gives new compliance date
- 23 ii. Sets fines starting day after compliance date
- 24 iii. Property owner has 30 days to initiate appeal process
- 25 b. If there is a finding that property is in compliance case is dismissed.
- 26

27 The above process will be unenforceable due to Chapter 2011-82 Laws of Florida.  
28 FEMA has indicated that under HB407, Monroe County has until July 1, 2012 to adopt  
29 an ordinance that will provide for an alternative to Monroe County Code Sec. 6-107.  
30 This replacement program must be approved by FEMA. The following proposal was  
31 offered to FEMA and it request elimination of Monroe County Code Sec. 6-107. A new  
32 resolution 440-2011, was adopted by the Board of County Commission on December 14,  
33 2011 that became the County's new Implementation Plan, per FEMA's requirements, for  
34 continuing participation in the NFIP.

### 35 36 37 III REVIEW

#### 38 39 40 41 **Proposed Certificate of Compliance Program to replace Inspection on Building** 42 **Permit Program:**

43  
44 The County is seeking to obtain definitive data from the Monroe County Property  
45 Appraiser which will identify all single family residences which contain enclosures that  
46 are identified as living area on the ground floor. Once this data is captured, our technical

1 staff will deduct all the parcels that have already received inspections via the pilot  
2 program or other programs, and been made compliant.

3  
4 The remaining property owners will be notified that an inspection will be required in  
5 order to verify compliance with the Monroe County Floodplain Ordinance.

6  
7 Once the owners obtain this inspection, and are compliant, they will receive a Certificate  
8 of Compliance. This is a proactive opportunity for property owners to receive evidence  
9 that they have a compliant structure which will create a positive market condition. If  
10 owners have a non-compliant structure, they will be notified of all the required  
11 corrections to the enclosure to become compliant with the permit authorizing the  
12 construction, OR the violation will be forwarded to the Code Compliance Department for  
13 prosecution.

14  
15 Finally, once a property is compliant, the County will provide a non-conversion  
16 agreement (with a corresponding drawing attached) to be signed by the property owner  
17 and recorded by the county in the County land records so buyers of properties understand  
18 what has been approved for areas below base flood elevation.

19  
20 This non-conversion agreement will provide protection to future buyers through title  
21 work. Every two years an updated potential ground floor enclosure list will be  
22 reviewed, and any changes to the Property Record that indicate illegal construction below  
23 base flood elevation will go through the inspection process outlined above again.

24  
25 The County may also consider obtaining a list of all properties that have transferred ownership  
26 and any such property that failed to obtain the required inspection will be contacted for  
27 inspection.

28  
29 In addition, all new construction that contains any type of below base flood elevation enclosure  
30 will be required to record a "Notice of Non-Conversion" to the property, which should alleviate  
31 this problem in the future.

32  
33 Section 122-7 of the attached ordinance outlines this new program.

34  
35 Additional changes that have been made, consistent with FEMA rules and guidelines) in the  
36 floodplain regulation (chapter 122) include:

- 37  
38 1. New definition of illegal structures  
39 2. New definition of non-conforming structures  
40 3. Refined definition of limited storage.  
41 4. Refined definition of market value  
42 5. Refined definition of substantial damage.  
43 6. Refined definition of substantial improvement.  
44 7. Clarification of date County implemented maximum size of downstairs  
45 enclosure to be 299 square feet (4/12/04)  
46 8. Clarified how vented garage doors work.



- 1                   9.     Clarified accessory structure storage items and eliminated value of  
2                   accessory structure.
- 3                   10.    Clarified variance procedures.
- 4                   11.    Clarified purpose and process for inspection of residential structure upon  
5                   real estate "sale" by:
  - 6                   a.     Requiring any illegal improvements to be revealed prior to a new  
7                   buyer taking title.
  - 8                   b.     Clarifying when inspection is due.
  - 9                   c.     Clarifying how either buyer or seller is prosecuted for not  
10                  obtaining an inspection.
  - 11                  d.     Eliminating holding up a building permit, waiting on an inspection  
12                  of an enclosure (HB407).

#### 13 14 IV RECOMMENDATION

15  
16       Staff recommends that the Board of County Commissioners amend the Monroe  
17       County Code as stated in the text of this staff report.

**AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**  
AMENDING MONROE COUNTY CODE CHAPTER 122 FLOODPLAIN REGULATIONS,  
CLARIFYING AND DELETING CERTAIN PROVISIONS; CREATING SECTION 122-7  
FLOODPLAIN CERTIFICATE OF COMPLIANCE PROGRAM; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL  
TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING  
FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, Monroe County (County) seeks to protect potential public and private loss due to flooding; and

**WHEREAS**, It is the intent of the County to maintain eligibility in the National Flood Insurance Program (NFIP); and

**WHEREAS**, to maintain eligibility and to protect the health, safety, and welfare of the citizens of the County, no structure or manufactured home hereafter shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter in addition to other applicable regulations of this chapter; and

**WHEREAS**, in addition to regulating new construction of structures or manufactured homes, County has three primary floodplain compliance programs to assure illegal post-FIRM structures or uses, constructed below base flood elevation are remedied:

1. Pilot Inspection Program for continuance of flood insurance required by FEMA
2. Inspection upon request for a building permit
3. Inspection upon sale;

**WHEREAS**, these three programs were confirmed in Resolution 152-2003 by the Monroe County Board of County Commissioners (BOCC) dated April 16, 2003, as a remedial plan required by the Federal Emergency Management Agency (FEMA) in order for Monroe County to remain in the NFIP; and

**WHEREAS**, the remedial plan was implemented by ordinance and codified in the Monroe County Code of Ordinances (MCC) ; and

**WHEREAS**, Chapter 2011-82 Laws of Florida, effective July 1, 2012, prohibits any County from requiring an inspection of other areas which are not the subject of a building

permit, which prevents inspection by the County of downstairs enclosures upon application for a building permit if the work does not affect the downstairs enclosure; and

**WHEREAS**, MCC Sec. 6-107, adopted as part of the remedial plan, provided for inspections of downstairs enclosures if a building permit was requested for any part of a structure and provided for Code Enforcement action if violations of the floodplain regulations were found; and

**WHEREAS**, this process will not be available to the County as of July 1, 2012; and

**WHEREAS**, County communicated to FEMA upon adoption Chapter 2011-82 Laws of Florida, whereby FEMA requested the County create a “replacement program” to assure illegal structures below base flood are made compliant; and

**WHEREAS**, the County finds that it is in the interest of the public safety, health and welfare that the County remain in the National Flood Insurance Program to protect the property of the County’s citizens, infrastructure, and financing of construction and sales of real property; and

**WHEREAS**, a new Certificate of Compliance Program was proposed to FEMA, in writing as demonstrated in “Exhibit A” and FEMA concurred with the creation of a Certificate of Compliance Program in writing as demonstrated in “Exhibit B” and County adopted Resolution 440-2011 which FEMA has indicated is acceptable as an alternative to “inspection upon permit” in the existing MCC provisions; and

**WHEREAS**, further minor amendments to the Floodplain regulations are being proposed to clarify, refine, or update the regulations as follows:

1. New definition of illegal structures
2. New definition of non-conforming structures
3. Refined definition of limited storage.
4. Refined definition of market value
5. Refined definition of substantial damage.
6. Refined definition of substantial improvement.
7. Clarification of date County implemented maximum size of downstairs enclosure to be 299 square feet (4/12/04)
8. Clarified how vented garage doors work.
9. Clarified accessory structure storage items and eliminated value of accessory structure.

10. Clarified variance procedures.
11. Clarified purpose and process for inspection of residential structure upon real estate “sale” by:
  - a. Requiring any illegal improvements to be revealed prior to a new buyer taking title.
  - b. Clarifying when inspection is due.
  - c. Clarifying how either buyer or seller is prosecuted for not obtaining an inspection.
  - d. Eliminating holding up a building permit, waiting on an inspection of an enclosure (HB407).

**NOW, THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS:**

**Section 1.** Chapter 122 –Floodplain Management of the Monroe County Code is amended as follows: (additions are underlined; ~~deletions are stricken through~~)

**Sec. 122-1. - Purpose and intent.**

(a) It is the purpose of the floodplain management provisions to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development that may increase erosion or flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;
- (6) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (7) To minimize prolonged business interruptions;
- (8) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in floodplains;
- (9) To help maintain a stable tax base by providing for the sound use and development of

flood-prone areas in such manner as to minimize future flood blight areas; and

(10) To ensure that potential home buyers are notified that the property is in a floodplain area.

(b) The board of county commissioners deem it in the best interest of its citizens that prudent measures be taken to minimize the potential public and private loss due to flooding. It is the intent of the board of county commissioners that the county at all times be eligible for, and receive, the benefit of participation in the National Flood Insurance Program. It is therefore the intent of the board that the provisions of this chapter be strictly adhered to in all areas of special flood hazard within the jurisdiction of the unincorporated areas of the county.

(Code 1979, § 9.5-315; Ord. No. 33-1986, § 9-601; Ord. No. 14-1988, § 2(1); Ord. No. 15-1989, § 2(1); Ord. No. 39-2000, § 3)

### **Sec. 122-2. - General provisions.**

(a) Applicability. Except as provided for the elevated portion of a nonconforming residential structure by section 122-4(a)(10), no structure or manufactured home hereafter shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter in addition to other applicable regulations of this chapter.

(b) Adoption of maps. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study and Wave Height Analysis for Monroe County, Florida, Unincorporated Areas, ~~dated October 17, 1989, or the~~ most current official maps approved by FEMA, with accompanying maps and other supporting data, and any revisions thereof, are adopted by reference and declared to be a part of this chapter, and shall be kept on file, available to the public, in the offices of the county ~~planning development~~Building Department.

(c) Rules for interpreting flood hazard issues. The boundaries of the flood hazard areas shown on the official flood insurance rate maps may be determined by scaling distances. Required interpretations of those maps for precise locations of such boundaries shall be made by the floodplain administrator, in consultation with the building official. In interpreting other provisions of this chapter, the building official shall be guided by the current edition of FEMA's 44 CFR, and FEMA's interpretive letters, policy statements and technical bulletins as adopted by resolution from time to time by the board of county commissioners. Additionally, the building official shall also obtain, review and reasonably use any base flood elevation and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, and other developments meet the criteria required in the appropriate flood zone.

(Code 1979, § 9.5-316.1; Ord. No. 39-2000, § 4; Ord. No. 037-2003, § 1)

### **Sec. 122-3. - Permit requirements.**

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alteration* means any change or modification in construction type, materials, or occupancy.

*Development* means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*Elevated building* means a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

*Enclosure* means that portion of an elevated building below the lowest elevated floor that is either partially or fully shut in by rigid walls and used solely for limited storage, parking or entryways. Enclosures shall not be constructed, equipped or used for habitational purposes.

*Existing construction* means structures for which the start of construction commenced before the effective date of the floodplain management regulations adopted by the community January 1, 1975. Existing construction is also known as pre-FIRM structures.

*Existing manufactured home park* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots, the construction of the streets, and either final site grading or the pouring of concrete pads is completed before the effective date of the floodplain management regulations adopted by the community January 1, 1975, and in which, at the time of application, there are no site built residences or the park or subdivision is limited to manufactured homes by this chapter.

*Finishing materials* means anything beyond basic wall construction pursuant to FEMA Technical Bulletin 2-0893, which is normally associated with habitable space. Finishing materials include, but are not limited to, ceiling mold, trim, baseboards, decorative finish work, wainscoting, and textured woods.

Illegal structure or use means a structure or use that was not permitted by the floodplain regulation at the time it was constructed and did not receive a permit, approved final inspection, certificate of occupancy or certificate of completion, and is not permissible under this chapter.

~~*Limited storage* means the storage of items not subject to damage by water or exposure to the elements such as lawn mowers, rakes, wheelbarrows and similar outdoor equipment. Limited storage does not apply to household items, indoor furniture, personal property, tools or other equipment vulnerable to damage by floodwaters.~~

that which is incidental and accessory to the principal use of the structure. For example, if the structure is a residence, storage should be limited to items such as lawn and garden equipment, snow tires, and other low damage items which will not suffer flood damage or can be conveniently moved to the elevated part of the building. Flood insurance coverage for enclosures below the Base Flood Elevation (BFE) is very limited.

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

*Market value* means the county property appraiser's ~~depreciated~~ value of the structure plus 20 percent. A



cost approach appraisal for determination of market value submitted by the applicant may be used if the county building official considers such cost approach appraisal consistent with local construction costs. Where a cost approach appraisal is not accepted by the staff because it appears to be inconsistent with local construction costs an applicant may request review by an independent third party appraiser duly authorized by the county. The cost of independent review shall be borne by the applicant. The reviewing appraiser shall determine if the appraisal value cost approach reasonably reflects an appropriate value of the structure. The independent appraiser's determination shall be in writing. Professionals preparing a cost approach appraisal shall be required to possess certifications as state certified residential appraisers for appraising one to four family residential properties and state certified general appraisers for all other properties including commercial and multi-residential. ~~Copies of all certified appraisals shall be forwarded to the office of the county property appraiser.~~

*New construction* means those structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by the community that is January 1, 1975. New construction is also known as post-FIRM structures.

*Nonconforming* ~~means a structure, improvement or other development~~ is a below base flood elevation structure or a portion thereof, which ~~was~~ lawfully existing or permitted, not fully compliant with the terms of this chapter. A nonconforming structure shall remain subject to the terms of this chapter.

*Pure manufactured home park* means a manufactured home park that at the time of application has no site-built residences or a park or subdivision which is limited to manufactured homes only by this chapter.

*Recreational vehicle* means a vehicle that is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

*Start of construction* means (for other than new construction or substantial improvements under the Coastal Barrier Resources Act) the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. For substantial improvements the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not the alteration affects the external dimensions of the building.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. All structures that are determined to be substantially damaged are automatically considered to be substantial improvements, regardless of the actual repair work performed. If the cost necessary to fully repair the structure to its before damage condition is equal to or greater than 50% of the structure's market value before damages, then the structure must be elevated (or floodproofed if it is non-residential) to or above the Base Flood Elevation (BFE), and meet other applicable NFIP

requirements. Items that should not be counted toward the cost to repair include plans, specifications, survey costs, permit fees, and other items which are separate from or incidental to the repair. This includes demolition or emergency repairs, and improvements to items outside the building, such as the driveway, septic systems, wells, fencing, landscaping and detached structures.

The cost of repairs required to remedy health, safety, and sanitary code deficiencies can be deducted from the overall cost of an improvement, but only if:

1. an appropriate regulatory official such as a building official, ~~code enforcement officer~~, fire marshal, or health officer was informed about and knows the extent of the code related deficiencies, and
2. the deficiency was in existence prior to the damage event or improvement and will not be triggered solely by the fact that the structure is being improved or repaired.

In addition, for any repair required to meet health, sanitary, and safety codes, only the minimum necessary to assure safe living conditions should be deducted, including those improvements required by Chapter 11, 2012 Florida Accessibility Code. Costs of repairs that are in excess of the minimum necessary for continued occupancy or use will be counted toward the cost of the overall improvement.~~means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Damage of any origin includes, but is not limited to, demolition in preparation for improvements, deterioration due to lack of maintenance and repair and exposure to the elements and damage by acts of God.~~

*Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local ~~code enforcement~~ **building** official and which are the minimum necessary to assure safe living conditions or
2. Any alterations of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Floodplain management requirements for new construction apply to substantial improvements. Increased Cost of Compliance (ICC) coverage does not apply to substantial improvements unless a structure is substantially damaged due to flooding.

#### Supplemental Information for Substantial Improvement

The basic types of improvements are rehabilitations or reconstructions that do not increase square footage, and lateral or vertical additions that do increase square footage.

Rehabilitation or reconstruction would be a partial or complete "gutting" and replacement of internal workings and may or may not include structural changes. If this action is substantial, i.e., over 50 percent of the structure's market value, it is considered new construction, and the entire building must be elevated

to or above the Base Flood Elevation (BFE) (or floodproofed if the building is non-residential). The insurance will be actuarial insurance and the structure will be considered Post-FIRM; i.e., subsidized insurance will no longer be available. Rehabilitations, like additions and repair of damage, represent investment and reinvestment in flood hazard areas, that if not protected, are at serious risk of flooding.

For a lateral addition, if the substantial improvement is to add a room or rooms outside the footprint of the existing building, only the addition is required to be elevated to or above the BFE, i.e.; the existing building does not have to be elevated. Actuarial insurance rates will not apply to the addition, and the entire structure will retain its Pre-FIRM subsidized rate. Vertical additions would require that the entire structure be elevated to or above the BFE. Even though the improvement itself is entirely above the BFE, it is dependent on the walls and foundation of the existing building for structural support. The entire structure must be insured at actuarial rates, the Pre-FIRM subsidized rates are no longer available. means any repair, reconstruction, rehabilitation, addition, or other improvement the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. This term includes structures that have incurred substantial damage regardless of the actual repair work performed. The term does not include either:

(1) Any project for improvement to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by local code enforcement officials and which are the minimum necessary to ensure safe conditions; or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. Substantial improvements only apply to structures whose initial construction began prior to January 1, 1975, (pre-FIRM) or structures rendered noncompliant to the elevation requirements because of a change in flood insurance rate maps (FIRMs).

(b) Except for work specifically exempted under chapter 6, the building official shall require building permits for all proposed construction or other improvements within areas of special flood hazard. In addition to the standard requirements for a building permit, an application for a building permit for construction or improvements within areas of special flood hazard shall contain the information and certifications set forth in a form provided by the ~~director of planning~~ Building Official.

(c) All building foundations shall rest directly on natural rock, on concrete piling driven to rock or on friction piling (concrete or wood) and shall be anchored to such rock support by holes, 16 inches in minimum diameter, augured into such rock a minimum depth of three feet and reinforced by a minimum of four #5 vertical rods extending up into the piers above a minimum of 18 inches and tied to the vertical steel of the pier. Wooden pilings shall be locked into 16-inch auger foundations by at least a #5 rebar extending through the piling and three to five inches beyond.

(d) The permit holder shall provide a floor elevation after the lowest floor is completed or, in instances where the structure is subject to the regulations applicable to coastal high-hazard areas, after placement of the lowest horizontal structural members of the lowest floor. Floodproofing certification shall be provided prior to a certificate of occupancy or prior to final inspection.

(e) Within 21 calendar days of establishment of the lowest floor elevation, or upon placement of the lowest horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of

the permit holder to submit to the building official a certification of the elevation of the lowest floor or the lowest portion of the lowest horizontal structural members of the lowest floor, whichever is applicable, as built in relation to mean sea level. Such certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is used for a particular building, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the 21-day period and prior to submission of the certification shall be at the permit holder's risk. The building official shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make the corrections required hereby shall be causes to issue a stop-work order for the project.

(f) The degree of flood protection required in this chapter is reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the county or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Code 1979, § 9.5-316.2; Ord. No. 39-2000, § 4; Ord. No. 037-2003, § 1)

#### **Sec. 122-4. - Standards for issuance of building permits in areas of special flood hazard.**

(a) Generally. No building permit for proposed construction within an area of special flood hazard shall be granted, by the Building Official or the Floodplain administrator, unless the proposed new construction is in compliance with the standards set forth in this chapter. In all areas of special flood hazard, the following standards apply:

- (1) All new construction and substantial improvements shall be adequately anchored by pilings or columns to prevent flotation, collapse or lateral movement of the structure.
- (2) All applications deemed substantial or nonsubstantial must be approved by the floodplain administrator, ~~director of growth management~~, or the building official/director.
- (3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (4) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (5) All new or replacement water supply systems shall be designed and constructed by methods and practices that minimize flood damage.
- (6) All new or replacement sanitary sewage systems shall be designed and constructed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters. Joints between sewer drain components shall be sealed with caulking, plastic or rubber gaskets, and all manhole covers shall be sealed in a similar manner.

(7) On-site waste disposal systems shall be located and constructed to minimize or eliminate damage to them and contamination from them during flooding.

(8) Any alteration, repair, reconstruction or improvement to a structure that already is in compliance with the provisions of this chapter shall meet the requirements of new construction as contained in this chapter.

(9) Illegal or Nonconforming uses and construction below elevated post-FIRM buildings shall not be expanded or improved or repaired from damages of any origin and no building permit shall be issued for any improvements to below base flood enclosures, other than for demolition or a permit to remedy a life safety hazard, unless the structure is brought into compliance with this chapter.

(10) The elevated portion (conforming and above base flood elevation) of any nonconforming structure may be extended, expanded, or structurally altered provided that, upon meeting the following conditions:-

a. The improvement is not substantial as defined in section 101-1-

b. Prior to approval and issuance of the building permit for construction of the proposed improvement, the growth management division staff the building department shall complete an inspection of the below base flood enclosed area to document the extent of any nonconformity; and-

e. If if the structure is located within a V-zone, prior to the issuance of a building permit, the permit applicant shall submit a professional engineer's or registered architect's sealed certification that the improvements to the nonconforming structure do not subject the elevated portion of the structure to increased flood risk or structural damage.

(11) No manmade alteration of sand dunes, dune ridge, mangrove stands or wetlands shall be allowed which would increase potential flood damage.

(12) All new construction shall be located landward of the reach of mean high tides.

(13) All agreements for deed, purchase agreements, leases, or other contracts for sale or exchange of lots within areas of special flood hazard shall carry the following flood hazard warning prominently displayed on the document:

#### FLOOD HAZARD WARNING

This property may be subject to flooding. You should contact the county growth management division and obtain the latest information regarding flood elevations and restrictions on development before making use of this property.

(b) Additional standards. In all areas of special flood hazard where base flood elevation data has been provided the following provisions are required:

(1) Residential construction.

- a. New construction or substantial improvement of any residential structure shall have the lowest floor for zones A1-30, AE and AH or bottom of the lowest supporting member for zones V1-30, VE or V elevated at or above the base flood elevation level.
- b. Electrical and mechanical equipment servicing an elevated structure must be elevated at or above the required base flood elevation. Elevators may be placed below the base flood elevation, if the mechanical and electrical equipment serving the elevator is designed, certified and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- c. Sewer and storm drainage systems, which extend below the base flood elevation, shall be provided with automatic backflow prevention valves or devices installed at the point where the line passes an exterior wall or slab.
- d. Except as noted in subsection (b)(7) of this section, the space below the lowest floor of an elevated structure shall be used exclusively for parking of vehicles, elevators, limited storage or building access purposes. Such spaces may be enclosed under the following conditions:
  1. Only a maximum of 299 square feet of the space shall be enclosed with opaque materials. Any remaining portion of an enclosed area of more than 299 square feet shall only be enclosed with screen or lattice. This limitation shall not apply to parking of aircraft beneath residential buildings abutting airport districts. Nonconforming Areas of 300 square feet or more, enclosed with opaque materials, existing on April 12, 2004, the effective date of the ordinance from which this section is derived shall be deemed conforming as to the provisions of this subsection (b)(1)d.1.; however, such enclosures shall not be expanded or substantially improved unless they are brought into compliance with this chapter.
  2. Walls of any enclosed area must be designed and constructed in a manner to prevent flotation, collapse and lateral movement of the structure.
  3. The walls of any enclosed area below the base flood elevation in zones ~~AE1-30, AH and AE~~ on the community FIRM shall be provided with openings such as vents, louvers or automatic valves which permit the level of floodwaters within the enclosed area to match the rising and falling of floodwaters on the outside of the structure. A minimum of two openings located on separate walls shall be provided having a minimum total net area of one square inch for each square foot of enclosed area, where the enclosed area is calculated by outside dimensions. A vented garage door may be used in lieu of venting one wall opening. Openings shall be situated such that the bottom of each opening is no higher than one foot above finished grade.
  4. Interior walls, ceilings and floors in enclosures of 299 square feet or less may be



finished with a class 4 or 5 exterior finish, [regardless of whether this is specified in the permit or not](#), in accordance with FEMA Technical Bulletin 2-~~0893~~. Technical Bulletin 2-~~0893~~ limits the finish to basic wall ceiling and floor construction. This is meant to exclude the use of materials and finishes normally associated with living areas constructed above base flood elevation from those areas of the enclosure located below the base flood elevation.

5. The interior portion of an enclosed area below an elevated building may not be partitioned except that garages may be separated from storage and entryway. In the event an existing enclosure is enlarged, the walls between the existing enclosure and the additional enclosure must be deleted. Enclosed areas below an elevated building and laterally attached enclosed areas below base flood elevation must be void of utilities that would service the enclosure and cannot be temperature controlled.

6. Necessary electrical switches for required lighting circuits may be located below the base flood elevation, provided they are of the outdoor water-resistant variety on a separate ground-fault protection circuit breaker and do not exceed the minimum number required by law. Except for one GFI, electrical receptacles shall not be located below the base flood elevation.

7. Walls constructed entirely of wood lattice work or screen mesh shall be considered as satisfying the requirements of subsections (b)(1)d.2., (b)(1)d.3., and (b)(5)a. of this section.

8. The area enclosed below the base flood elevation shall not be used for human habitation.

9. Except as noted in subsections (b)(1)b. and (b)(1)d.6. of this section or required by an applicable code no electrical, mechanical or plumbing may be located below the base flood elevation.

## (2) Nonresidential construction.

a. New construction or substantial improvements of any commercial, industrial or other nonresidential structures within zones A1-30, AE and AH on the community's flood insurance rate map (FIRM) shall have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Where a nonresidential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect shall develop and/or review structural design specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions contained herein. A record of such floodproofing certification which shall include the specific elevation (in relation to mean sea

level) to which such structures are floodproofed shall be provided to the building department. Wet floodproofing is not acceptable. New construction or cumulative substantial improvements of any commercial, industrial or other nonresidential structures within zones V1-30, VE or V shall have the lowest floor, including the basement, elevated to or above the base flood elevation.

b. Enclosed areas below an elevated structure at grade elevation for nonresidential, commercial or industrial uses shall be permitted for limited storage or parking purposes, provided that they are anchored to prevent flotation, collapse or lateral movement of the structure and do not exceed 300 square feet of enclosed area and are in accordance with the requirements of subsection (b)(5)g. of this section for V zones or subsections (b)(1)d.1—(b)(1)d.9. of this section for A zones. Plans for such structure shall be submitted to the building official for approval prior to construction.

(3) Accessory structures.

a. Residential accessory structures.

1. Any prefabricated light metal structure, which meets the following criteria, may be permitted in A or V zones if:

(i) The enclosed area is 150 square feet or less;

~~(ii) The fair market value is \$500.00 or less;~~

~~(ii)~~ The use is limited to ~~storage accessory to a residence~~limited storage; and

~~(iii)~~(iv) The structure is properly anchored.

2. Accessory light metal structures which exceed the 150 square feet of enclosed space threshold or concrete or wood accessory structures built on site regardless of size or value may be permitted if they meet all of the criteria outlined in subsection (b)(1)d. of this section or for V zones the criteria set forth in subsection (b)(5)g. of this section.

b. Nonresidential accessory structures.

1. All nonresidential accessory structures, or enclosed areas, which meet the following criteria, may be permitted if:

(i) The enclosed area is 300 square feet or less;

(ii) The use is restricted to limited storage and parking only;

(iii) They meet the breakaway wall standards outlined in subsection (b)(5)a. of this section for V zones or the venting requirements outlined in subsection (b)(1)d.3. of this section for A zones;

(iv) They meet the other requirements as outlined in subsection (b)(1)d. of this section; and

(v) The structures are properly anchored.

2. Accessory structures in an A zone that exceed the 300 square feet of enclosed space threshold may be permitted if they meet the floodproofing criteria outlined in subsection (b)(2)a. of this section. Accessory structures in a V zone that exceed the 300 square feet of enclosed space threshold, are strictly prohibited.

(4) Manufactured homes.

a. Effective June 1, 1977, no manufactured home not already in place shall be placed within areas of special flood hazard except in an existing manufactured home park or subdivision, as hereafter defined. In the event that the Federal Emergency Management Agency eliminates the existing manufactured home park or subdivision requirement of 44 CFR 60.3(c)(12), then no manufactured home may be placed below the base flood elevation.

b. A manufactured home that is to be placed on a qualified lot may be placed at an elevation below base flood elevation, provided that:

1. The lot on which the manufactured home is to be placed is located in an existing manufactured home park or subdivision and is contiguous to and surrounded by manufactured homes not at base flood elevation.

2. The manufactured homes that are placed or substantially improved (for other than substantial damage due to a flood) on sites in existing manufactured home parks or subdivision in flood hazard areas shall be elevated so that the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above the grade at the site. A lower foundation system could be used if the top of the finished floor of the manufactured home or the bottom of the beam (for V zones) would be at or above the base flood elevation using such foundation.

3. All other foundations requiring elevation of the structure in order to meet the floodplain standards must comply with section 122-3(b), the provisions of subsection (b)(5) of this section or chapter 18 of the Florida Building Code whichever is applicable.

c. No solid walled additions may be added to a manufactured home unless the addition is constructed under HUD (Department of Housing and Urban Development) standards and contains a HUD seal or the addition is elevated to or above the base flood elevation. Solid walled additions elevated to or above the base flood elevation must be constructed with fourth wall construction, ~~or~~ and certified by an engineer or architect licensed by the state.

d. Screen rooms, open decks and porches may be added to a manufactured home provided the addition is structurally independent and constructed with fourth wall construction.

e. All manufactured homes and state approved manufactured offices or construction trailers for temporary use shall be anchored to resist flotation, collapse and lateral movement by providing over-the-top and frame ties to ground anchors as provided for in F.A.C. ch. 15C.

f. An existing manufactured home that is damaged or otherwise in need of repair,

reconstruction, improvement, or replacement the value of which meets or exceeds 50 percent of the value of the manufactured home without the repair, reconstruction, improvement or replacement shall not be repaired, reconstructed, improved or replaced except by a manufactured home which meets the most recent standards promulgated by the Department of Housing and Urban Development in 24 CFR 3280.308(C)(2) and, in addition, meets the standards set forth in subsections (b)(4)b., (b)(4)c., and (b)(4)d. of this section, as applicable. For the purposes of determining the value of any replacement manufactured homes under this section, the purchase price, as expressed in an invoice from an arms length transaction, in a form acceptable to the building official, or using market value, as determined in section 122-3(f), whichever is greater, shall control.

g. A manufactured home may be altered or modified by engineering standards more stringent than originally required if the manufactured home is elevated to or above the required base flood elevation.

(5) Coastal high-hazard areas (V zones). Within the areas of special flood hazard are areas designated as coastal high-hazard areas, which have special flood hazards associated with wave wash. The following provisions shall apply in these areas:

a. New construction or substantial improvements within zones V1-30, VE or V shall be elevated so that the bottom of the lowest horizontal supporting member (excluding pilings or columns) is located at or above the base flood elevation level, with the space below the lowest supporting member open or constructed with breakaway walls so as not to impede the flow of floodwaters. Breakaway walls may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with the provisions of subsections (b)(5)g., (b)(5)h. and (b)(5)i. of this section.

b. New construction or substantial improvements shall be securely anchored on pilings, columns or shear walls.

c. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values shall be those required by American Society of Civil Engineers (ASCE) Standard number 7. Where shear wall construction is used, the following conditions shall also apply:

1. Shear walls shall be placed parallel to the predominant flow direction of floodwaters and spaced to provide adequate floodwater conveyance beneath the elevated floor;

2. Shear walls shall be constructed using reinforced concrete; and

3. Except for the placement of the parallel load-bearing walls, the space between the shear walls below the elevated floor shall remain free of obstruction or contain only breakaway wall construction.

d. A registered professional engineer or architect shall develop or review the structural

design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with the accepted standards of practice for meeting the provisions of subsections (b)(5)a., (b)(5)b. and (b)(5)c. of this section.

e. There shall be no fill used as structural support.

f. Nonstructural fill shall not be placed in a V zone except with an approved hydrological analysis.

g. If any space below the base flood elevation level is to be enclosed, such enclosed areas shall not be used for human habitation and must meet the provisions of subsections (b)(1)d.1., (b)(1)d.4.—(b)(1)d.9. and (b)(5)a. of this section.

h. Prior to construction, plans for any structure that will have enclosed space below the base flood elevation level shall be submitted to the building official or his designee for approval.

i. Walls and partitions other than parallel shear walls shall be allowed below the base flood elevation, provided they are not part of the structural support of the building and are designed to break away under the impact of abnormally high tides or wind-driven water without damage to the structural integrity of the building on which they are to be used, and provided that a design load limit of not less than ten and no more than 20 pounds per square foot shall be used as the safe load design for breakaway walls.

j. Compliance with the provisions contained in subsection (b)(5)i. of this section shall be certified by a registered professional engineer or architect.

k. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the base flood elevation level except as provided for in subsections (b)(5)g. and (b)(5)i. of this section.

l. No manmade alteration of mangroves or beach berm system shall be permitted which will increase the potential for flood damage.

(6) Basement construction. No basement shall be constructed in the county until such time as a variance is granted to the county under the terms of 44 CFR 60.6(b).

(7) Enclosures below base flood elevation. No enclosure below the base flood elevation shall be constructed or equipped for such uses as a kitchen, dining room, family room, recreation room, office, bedroom, bathroom or workshop. This prohibition does not apply to new improvements that are not substantial to post FIRM structures rendered noncompliant by amendments to the flood insurance rate map as long as the improvement is at the same elevation the structure was originally built to; ground level structures whose initial construction began prior to January 1, 1975; and those structures that are listed on the National Register of Historic Places, the Florida Inventory of Historic Places or any inventory of local historic places.

(8) Below base flood elevation variance. In no event shall a below base flood elevation variance be necessary for improvements to an existing structure whose initial construction began prior to December 31, 1974, or to a legally placed manufactured home when the improvements are

not substantial.

(9) Recreational vehicles. Require that recreational vehicles placed on sites within zones A1-30, AH, and AE, V-130, V and VE on the community's FIRM either:

a. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use; or

b. Meet the permit requirements of subsection (b)(4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or internal jacking system, designed to be self propelled or permanently towable by a light duty truck, is attached to the site only by quick disconnect type utilities and security devices, and has no permanent attached additions.

(Code 1979, § 9.5-317; Ord. No. 33-1986, § 9-603; Ord. No. 14-1988, § 2(3); Ord. No. 15-1989, § 2(3); Ord. No. 15-1990, § 2; Ord. No. 2-1994, § 1; Ord. No. 39-2000, § 5; Ord. No. 037-2003, § 2; Ord. No. 005-2004, § 1; Ord. No. 025-2004, § 1)

#### **Sec. 122-5. - Variances to the floodplain management requirements.**

(a) Generally. Where, owing to special conditions, a literal enforcement of the floodplain management provisions of the plan would result in exceptional hardship unique to that property or proposed project, the board of county commissioners may grant variances from the terms of those provisions as will not be contrary to the public interest, will be in harmony with the general purpose and intent of this chapter, and will be the minimum variance that will allow reasonable use of the property.

(b) Procedures.

(1) An application for a variance from the provisions of this chapter for development in an area of special flood hazard shall be filed with the building ~~department official in a form provided by the director of planning~~ at the time of application for a building permit.

(2) Within ten days of receipt of a complete application for a variance from the terms of the floodplain management provisions of this chapter, the building official shall ~~forward the application to the director of planning~~, review the application, and submit a report and recommendation to the board of county commissioners.

~~(3) The director of planning, or his designee, also shall review the application for a variance and submit a report and recommendation to the board of county commissioners within five days after receipt from the building official.~~

(4) The board of county commissioners shall review the application and the reports and recommendations of the building official ~~and director of planning~~ and consider granting the variance in accordance with the conditions set forth in this section.

(c) Conditions.

(1) Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and only upon all of the following



conditions:

- a. A showing of good and sufficient cause;
- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- c. A determination that the granting of a variance will not result in increased flood heights; result in additional threats to public safety; result in extraordinary public expense; create nuisance; cause fraud on or victimization of the public; or conflict with other provisions of this chapter or this Code; and
- d. Specific written findings linked to the criteria below.

(2) The following factors shall be relevant in the granting of a variance:

- a. Physical characteristics of construction;
- b. Whether it is possible to use the property by a conforming method of construction;
- c. The possibility that materials may be swept onto other lands to the injury of others;
- d. The danger to life and property due to flooding or erosion damage;
- e. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner;
- f. The importance to the community of the services provided by the proposed facility;
- g. The necessity to the facility of a water-dependent location, where applicable;
- h. The availability of alternate locations less subject to flooding;
- i. The compatibility of the proposed use with existing and anticipated development;
- j. The relationship of the proposed use to the comprehensive plan, land development regulations and the floodplain management program for that area;
- k. The safety of access to the property for ordinary and emergency vehicles in times of flood;
- l. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- m. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(3) When the board of county commissioners shall consider the property of granting a variance as permitted by this chapter, the following factors shall not be considered relevant:

- a. The physical disabilities or handicaps and health of the applicant or members of his family;
- b. The domestic difficulties of the applicant or members of his family;
- c. The financial difficulty of the applicant in complying with the floodplain management provisions of this chapter; or
- d. The elevation of surrounding structures.

(4) Any applicant to whom a variance is granted shall be given written notice by the board of county commissioners specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(5) All variances issued shall require that an affidavit be prepared, and recorded with the clerk of the circuit court, which shows that the proposed construction will be located in a floodprone area, the number of feet that the lowest floor of the proposed structure will be below the base flood level, and that actuarial flood insurance rates increase as the flood elevation decreases.

(6) The building official shall maintain records of all variance actions and annually report any variances to the Federal Emergency Management Agency.

(Code 1979, § 9.5-318; Ord. No. 39-2000, § 6)

#### **Sec. 122-6. - Required inspections of residential structures.**

(a) Applicability. Prior to the transfer of ownership of any property occupied by an elevated residential structure with a below base flood enclosed area defined as "new construction" (i.e., construction commenced on or after January 1, 1975) under this chapter, a county approved inspection of the below base flood enclosure shall be conducted. The required inspection shall be conducted no earlier than 180 days prior to the transfer of the property by the seller or the potential purchaser, with the sellers permission. The intent of this inspection, which is strictly limited to the below base flood enclosure, is to identify for county records and purchasers any nonconformities- or illegal structures. with this chapter and to disclose these nonconformities to the new property owner.

(b) Inspections. The inspection required under this section may be conducted either by an inspector from the growth management division or by an inspector approved by the growth management division. Fees for inspections conducted by the growth management division shall be in accordance with the schedule established by resolution of the board of county commissioners for inspections conducted under the county's flood insurance inspection and compliance program.

(c) Inspection procedures and forms. All inspections required under this section shall be done in accordance with procedures and recorded on county forms approved by the growth management director.

(d) Private inspectors approval. Non-county inspectors from an approved list maintained by the growth management division may be retained by property owners to complete the inspections required by this section. These inspectors shall be approved by the growth management division director and shall be

required to take an inspection training session conducted by the growth management division to ensure all inspectors fully understand county inspection and reporting requirements. All inspections conducted and inspection reports prepared by non-county inspectors are subject to review by the growth management division. Inspection reports that are found to be incomplete, inaccurate, or contain errors and omissions, may result in the inspector being removed from the approved list of inspectors by the growth management director.

(e) Inspection submittal requirements. The original of the inspection report, signed by the county inspector or county approved inspector, shall be submitted to the Building Department. ~~included in all agreements for deed, purchase agreements, leases, or other contracts for sale or exchange of a property with an elevated residential structure subject to the inspection requirements of this section. A copy of this inspection report shall be filed with the growth management division within ten days prior to~~ of the transfer of property.

(f) Failure to comply with inspection submittal requirements. Should the inspection report required by this section not be filed with the growth management division, the property owner (whether seller or buyer) will be in violation of this section and prosecuted under the provisions of Chapter 8. , no permit shall be issued for any improvements to the structure and the property it occupies until such an inspection report is submitted, unless the permit is required to remedy a life safety hazard. In addition, violations of this section may be addressed through code enforcement proceedings as provided for under chapter 8

(Code 1979, § 9.5-319; Ord. No. 037-2003, § 3)

#### Sec. 122-7. Floodplain Certificate of Compliance Program.

(a) Generally. Any property owner ~~whohieh~~ has obtained an inspection of ~~hishtheir~~ downstairs enclosure or structure below base flood elevation through either:

a. FEMA Insurance Inspection Program; or

b. Inspection at time of sale; or

c. Voluntary Inspection,

is eligible to obtain a Certificate of Compliance. The structure must have been found in compliance with the Monroe County Floodplain regulations by Monroe County staff and prior to obtaining the certificate, must record a non-conversion agreement in the Monroe County land records on a form to be provided by the County. Properties that have received their inspections prior to implementation of the Certificate of Compliance program insert effective date of this ordinance, may receive a certificate of compliance; however, a re-inspection (with no fee) is necessary to assure compliance has been maintained and the owner must also record the non-conversion agreement, which shall be recorded in ~~the~~ land records.

(b) Outreach. The County will mail written notices to property owners, every two years, with downstairs living areas as follows:

a. The County will obtain data from the Monroe County Property Appraiser Office which will identify all single family residences which contain enclosures that are identified as

- living area on the ground floor. Once this data is captured, technical staff will deduct all the parcels that have already received inspections via the FEMA Insurance Inspection Pilot Program, transfer of ownership program, or the previously applicable inspection on building permit program, and been made compliant.
- b. The remaining property owners will be notified via regular mail that in order to receive a certificate of compliance, an inspection is required of any below base floor elevation structures, to verify compliance with the Monroe County Floodplain regulations. Owners will also be notified that non-compliant structures may be subject to Code Compliance proceedings.
- c. If owners seek and obtain a certificate of compliance inspection, and are compliant, they will receive a Certificate of Compliance as outlined in this Section. This is a proactive opportunity for property owners to receive evidence that they have a compliant structure which should, long term, create a positive market condition. If an owner has a non-compliant structure, ~~he~~they will be notified of all the required corrections to the enclosure to become compliant and that permits are required to authorize construction,
- (c) Inspections. Inspections may be conducted for a Certificate of Compliance according to this chapter for FEMA Insurance Inspection Program or for Inspection of Residential Structures prior to transfer of ownership found in Section 122-6.
- (d) Compliant Structures. The County will provide a Certificate of Compliance to property owners with compliant structures after property owners sign and record a non-conversion agreement (with a corresponding drawing demonstrating the permitted improvements allowed below base flood elevation attached to the agreement). The non-conversion agreement shall be recorded by the county in the Monroe County land records so future buyers of properties understand what has been approved for areas below base flood elevation. Property owners shall pay recording fees.
- (e) Non-Compliant Structures. The County Building Official shall refer any non-compliant structures to the Code Compliance Department for enforcement through appropriate processes.
- (f) New Construction. New construction that contains any type of below base flood elevation enclosure, will be required to record a "Notice of Non-Conversion" in the Monroe County land records indicating the square footage permitted to be constructed below base flood elevations, with a corresponding drawing demonstrating the permitted improvements permitted, prior to receiving a certificate of occupancy.

## Section2. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph,

subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 3 .Conflicting Provisions.

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

Section 4. Filing, Transmittal, and Effective Date.

This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, and transmitted to the State Land Planning Agency, but shall not become effective until a notice is issued by the Department of Community Affairs or Administrative Commission approving the ordinance pursuant to Chapter 380, Florida Statutes.

Section 5. Codification

The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto and shall be appropriately numbered to conform to the uniform numbering system of the Code.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Mayor David Rice \_\_\_\_\_

Mayor Pro tem Kim Wigington \_\_\_\_\_

Commissioner Heather Carruthers \_\_\_\_\_

Commissioner George Neugent \_\_\_\_\_

Commissioner Sylvia Murphy \_\_\_\_\_

ATTEST:

DANNY L. KOLHAGE, CLERK

MONROE COUNTY BOARD OF  
COUNTY COMMISSIONERS

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Deputy Clerk

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Mayor David Rice





**ORDINANCE \_\_\_\_-2012**

**AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 6 OF THE MONROE COUNTY CODE BY ELIMINATING SEC. 6-107 UNLAWFUL USES AND IMPROVEMENTS; ELIMINATING INSPECTION WHEN A BUILDING PERMIT IS REQUESTED AS REQUIRED BY CHAPTER 2011-82 LAWS OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS ; PROVIDING FOR TRANSMITTAL TO THE SECRETARY OF STATE; FORVING FOR AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION.**

---

**WHEREAS**, Monroe County (County) has three primary floodplain compliance programs to assure illegal post-FIRM structures below base flood elevation are remedied:

1. Pilot Inspection Program for continuance of flood insurance required by FEMA
2. Inspection upon request for a building permit
3. Inspection upon sale;

**WHEREAS**, these three programs were confirmed in Resolution 15-2003 dated April 16, 2003, by the Monroe County Board of County Commissioners (BOCC) as a remedial plan required by the Federal Emergency Management Agency (FEMA) in order for Monroe County to remain in the National Flood Insurance Program; and

**WHEREAS**, the remedial plan was implemented by ordinance and codified in the Monroe County Code of Ordinances (MCC); and

**WHEREAS**, Chapter 2011-82 Laws of Florida, effective July 1, 2012, prohibits any County from requiring an inspection of other areas which are not the subject of a building permit, which prevents inspection by the County of downstairs enclosures upon application for a building permit if the work does not affect the downstairs enclosure; and

**WHEREAS**, under Section 6-107 of the Monroe County Code, which was adopted as part of performance under the [original](#) remedial plan [\(Resolution 15-2003\)](#), the process for inspection upon building permit is as follows:

1. Homeowner asks for building permit and must submit property record card with application.
2. Staff reviews property record card to determine if living area exists in downstairs, then writes letter to property owner notifying them of need for inspection.
3. Property owner calls for inspection.
4. Perform inspection.
5. If not in compliance with floodplain management ordinances, owners are notified of required remedies.
6. If permit that was applied for originally was for something irrelevant to the downstairs enclosures (e.g. roof, fence, etc.), permit is issued after inspection of downstairs area.

7. If not in compliance, and no remedy is made for downstairs enclosure in time period given (3-6 months depending upon severity of violation (plumbing/electric requires permitting so longer time period given), violation is referred to Code Enforcement.
8. Code Enforcement sends Notice of Violation (explaining violation, suggested solutions, and who to contact to remedy) and sets hearing before Special Magistrate.
9. Special Magistrate hears case
  - a. If there is a finding that property is not in compliance:
    - i. Gives new compliance date
    - ii. Sets fines starting day after compliance date
    - iii. Property owner has 30 days to initiate appeal process
  - b. If there is a finding that property is in compliance case is dismissed.

**WHEREAS**, Chapter 2011-82 Laws of Florida, effective July 1, 2012, nullifies the [inspection upon building permit](#) process set forth above; and

**WHEREAS**, the BOCC finds that it is in the interest of the public safety, health and welfare that the County remain in the National Flood Insurance Program to protect the property of the County's citizens, infrastructure, and financing of construction and sales of real property; and

**WHEREAS**, a new Certificate of Compliance Program was proposed to FEMA and Resolution 440-2011 passed by the Monroe County Board of County Commissioners which FEMA has indicated is acceptable to it as an alternative to "inspection upon permit" in the existing MCC provisions, specifically Sec. 6-107, making Sec. 6-107 unnecessary and unusable for floodplain regulation enforcement;

**NOW, THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS:**

**Section 1.** Chapter ~~122-6~~ [Floodplain Management](#) [Unlawful uses and improvements](#) of the Monroe County Code is amended as follows by deleting section Section ~~6-107~~: (additions are underlined; deletions are ~~stricken through~~)

~~Sec. 6-107. — Unlawful uses and improvements.~~

~~The term "unlawful use or improvement," as used in this section, means any use or improvement existing on the effective date of the ordinance from which this section is derived, that is capable of code enforcement prosecution under chapter 8. Except for building permits that are limited exclusively to addressing imminent risks to property and public health and safety, no building permit shall be issued for any use or improvement involving all or any portion of a parcel of land as defined in part II of this Code that contains an unlawful use or improvement until the parcel is brought into compliance with the provisions of part II of this Code. By way of illustration and not limitation, permits may be issued for repairs and replacement of roof and other building structural components to the extent necessary to address imminent risks of property damage and to public safety and health, such as for, but not limited to, the repair of leaking roofs and damaged roofs, walls, foundation; and, violations of building, mechanical, and electrical codes. Any such permit shall contain a provision requiring compliance with part II of this Code by the date specified in the permit.~~

**Section 2. Severability.**

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

**Section 3 .Conflicting Provisions.**

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

**Section 4. Filing and Effective Date.**

This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, and shall become effective as provided by law.

**Section 5. Codification**

The provisions of this ordinance shall be included in, or deleted from, the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto and shall be appropriately numbered to conform to the uniform numbering system of the Code.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida  
at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Mayor David Rice	_____
Mayor Pro tem Kim Wigington	_____
Commissioner Heather Carruthers	_____
Commissioner George Neugent	_____
Commissioner Sylvia Murphy	_____

ATTEST:  
DANNY L. KOLHAGE, CLERK

MONROE COUNTY BOARD OF  
COUNTY COMMISSIONERS

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Mayor David Rice





**CURRENT CODES IN EFFECT:**  
 2010 FL Building Code  
 2012 FL Accessibility Code  
 2008 NEC  
 2010 FIRE

# BUILDING PERMIT APPLICATION

## MONROE COUNTY GROWTH MANAGEMENT DIVISION

<b>INTERNAL USE ONLY</b>	<b>DATE:</b>		<b>Rec'd by:</b>		<b>PERMIT #</b>		
	Complete if applicable: <input type="checkbox"/> <b>Emergency</b> <input type="checkbox"/> <b>Walk-Thru</b> <input type="checkbox"/> <b>DEMO</b> ( <input type="checkbox"/> Asbestos) <input type="checkbox"/> <b>Revision</b> <input type="checkbox"/> <b>ATF</b>						
	<b>PARCEL INFORMATION</b>		Deemed Development (Planning/BIO): <input type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>				
	LU District:	FLUM District:	Flood Zone & Elevation:		Flood Panel:	Tier:	

### JOB SITE INFORMATION

<b>RE #:</b> (Tax Folio #)		<b>Job Address:</b>	
<b>Legal Description</b>	<b>Lot Block/Unit</b>	<b>Location Information</b>	Key: _____ MM _____ Subdiv

### OWNER INFORMATION Note: ALL OWNER BUILDERS MUST APPLY IN PERSON - F.S.489.103(7) **OWNER BUILDER** ☐ Yes ☐ No

<b>Name</b>		<b>Phone:</b> ( )
<b>Address (mailing)</b> City, State, Zip		
<b>Fee Simple Titleholder's</b> (if applicable - other than owner), Address, City, State, Zip		<b>Phone:</b> ( )
<b>Mortgage Lender's Name and Address</b>		

**Email Address Preference:** ☐ Yes ☐ No If YES, please provide email address that communication, including correction requests, should be sent: \_\_\_\_\_

### CONTRACTOR INFORMATION (if applicable)

### SUB & Other CONTRACTOR (if applicable)

<b>Construction Business Name</b>		<b>Owner / AGENT</b>	
<b>Contact</b>		<b>Electrical</b>	
<b>License #</b>		<b>Elevator</b>	
<b>Mailing Address</b>		<b>Mechanical</b>	
		<b>Plumbing</b>	
<b>Email</b>		<b>Pool</b>	
<b>Phone</b>		<b>Roofing</b>	
<b>Bonding Company Name, Address</b>		<b>Architect/ Engineer Name</b>	
<b>City, State</b>		<b>Address</b>	
		<b>City, State</b>	
<b>Private Provider</b>		<b>Type of Private Provider</b>	<input type="checkbox"/> Plan Review & Inspections <input type="checkbox"/> Plan Review Only <input type="checkbox"/> Inspection Only (application)

### SCOPE OF WORK – Describe Job/Project


<b>JOB DETAILS</b>	GROSS SQUARE FT:	ESTIMATED TOTAL COST: \$
Change in Occupancy/Use: <input type="checkbox"/> YES <input type="checkbox"/> NO	Check Roofing Permit: <input type="checkbox"/> NEW <input type="checkbox"/> RE-ROOF <input type="checkbox"/> RE-COVER	
Change in Footprint: <input type="checkbox"/> YES <input type="checkbox"/> NO		
Construction debris will be removed by <input type="checkbox"/> Applicant <input type="checkbox"/> Specialty Contractor (Name):		

**WARNING TO OWNER:**

- A Notice of Commencement must be recorded & posted on the job site before the first inspection, and copy to the Building Dept.
- Failure to post the Notice of Commencement at the job site will result in the inability of our inspectors to offer an approved inspection.
- Your failure to record a Notice of Commencement may result in your paying twice for improvements to your property
- If you intend to obtain financing, consult with your lender or an attorney before commencing work or recording your Notice of Commencement.

**ASBESTOS AGREEMENT: (Initial If Applicable: \_\_\_\_\_)**

As owner/contractor/agent of record for the construction applied for in this application, I agree that I will comply with the provisions of the Florida Statute 469.003 and to notify the DEP of my intent to demolish/remove a structure at the above address and remove asbestos, when applicable, in accordance with state and federal law.

**SOLID WASTE ASSESSMENT:**

Upon completion of the project for which I have made application for a Building Permit, I must pay the pro-rated residential solid waste assessment, or show proof of commercial service with a franchised commercial collector prior to a Certificate of Occupancy being issued.

**OWNER'S AFFIDAVIT:**

- Application is hereby made to obtain a permit to do the work and installations as indicated.
- I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction.

**"Notice:** In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies or federal agencies."

I understand that a separate permit (sub on a permit) must be secured for Electrical Work, Plumbing, Signs, A/C, etc as appropriate. I hereby certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

Owner (print) \_\_\_\_\_

Qualifier (print) \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

NOTARY as to Owner

NOTARY as to Qualifier

Sworn to &amp; subscribed to before me this \_\_\_\_\_

Sworn to &amp; subscribed to before me this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_, he/she is

day of \_\_\_\_\_, 20\_\_\_\_, he/she is

personally known to me or has produced

personally known to me or has produced

as

as

identification and who did (did not) take an oath.

identification and who did (did not) take an oath.

My Commission Expires on \_\_\_\_\_

My Commission Expires on \_\_\_\_\_

\*\*\*\*\* INTERNAL USE ONLY BELOW \*\*\*\*\*

**FLOODPLAIN ROUTING CHECKS**

Staff: \_\_\_\_\_

Date: \_\_\_\_\_

Check codes that exist on the GROUND floor of the site proposed for permit:

**Section 6-107:**

If ANY starred code to the left is checked > **Route to Floodplain FIRST**

**Section 122-6:**

If ANY of the codes to the left are checked then

>Check if SOLD after 6/01/04 > **Route to Floodplain**

>Check if current owner had the sale inspection > **No Insp Req'd**

CODES→

FL?

EPB

LLF

GBU

GBU

SFB

SBU

Other Departments		Fee	Building	Fee	Plan Review (PR)	Total (Fee +PR)	ED	Other	Fee
PLAN & ENVIR	Ed Fee	\$	Structural	\$	+	\$	=	\$	\$2 or \$25
	Bio Rev	\$	Elect	\$	+	\$	=	\$	Code (ATF)
	Plan Rev	\$	Plumb	\$	+	\$	=	\$	Tech \$3 or \$20
ENG	Plan Rev	\$	Mech	\$	+	\$	=	\$	Contractor Invest.
	Admin.	\$	Roof	\$	+	\$	=	\$	DBPR
	Site Inspect	\$	Fuel/Gas	\$	+	\$	=	\$	DBPR ED
	Wastewater	\$	Building ATF	\$		N/A	=	\$	DC
	Research	\$	100% OR 50%PP Insp	\$		Use this Total > for DBPR/DCA		\$	DCA ED
FIRE	Plan Rev	\$	Receipt #			Subtotal: Building \$		FEE Credit: (\$ )	Total DBPR/DCA
	Admin.	\$	Impact Fee Due \$						\$
GRAND TOTAL Permit Fee Due (Other Dept + Bldg + Other) – Fee Credit									
\$									

BUILDING OFFICIAL/ ASSISTANT BUILDING OFFICIAL: \_\_\_\_\_

APPROVED FOR ISSUANCE \_\_\_\_\_

on DATE \_\_\_\_\_



# County of Monroe

## Growth Management Division

### Planning & Environmental Resources Department

2798 Overseas Highway, Suite 410  
Marathon, FL 33050  
Voice: (305) 289-2500  
FAX: (305) 289-2536



*We strive to be caring, professional and fair*

### Board of County Commissioners

Mayor Heather Carruthers, Dist. 3  
Mayor Pro Tem David Rice, Dist. 4  
Kim Wigington, Dist. 1  
George Neugent, Dist. 2  
Sylvia J. Murphy, Dist. 5

## MEMO

December 21, 2011

TO: Board of County Commissioners  
Roman Gastesi, County Administrator

THROUGH: Christine Hurley; Growth Management Division Director

FROM: Michael Roberts, Sr. Administrator/Environmental Resources

RE: SUMMARY OF MONROE COUNTY ALTERNATIVES FOR  
COMPENSATORY MITIGATION OPTIONS IN THE FLORIDA KEYS

Development activities that result in impacts to wetlands and other surface waters require permits from State and Federal agencies as well as approval from Monroe County. In both the State and Federal permit review process, the applicant must first demonstrate that the proposed wetland impact is unavoidable, and that the impacts proposed have been reduced or minimized to the greatest extent practicable. Once the applicant has demonstrated that the proposed project meets these criteria, then they must compensate for any functional loss of wetland habitat value. This compensation is referred to as wetland mitigation. Wetland mitigation can be provided by the applicant through (1) the restoration or creation of wetlands on the same site as the impact (on-site mitigation), (2) the restoration or creation of wetlands at a location other than the impact site (off-site mitigation), or (3) through the purchase of credits through a permitted wetland mitigation bank, Regional Offsite Mitigation Area (ROMA) or In-Lieu Fee program.

In the Keys, mitigation for impacts to aquatic resources (including wetlands) associated with single family residential development, including boat docks, seawalls, etc., has most often been provided through a slightly different approach than those listed above. In 1981 an environmental mitigation Trust Fund was established as a result of a Federal case involving wetland impacts. The Fund is administered by the Audubon Society and overseen by the U.S. Army Corps of Engineers (ACOE). This Fund eventually became known as the Keys Environmental Restoration Fund (KERF) and payment to KERF by permit applicants has been accepted by the ACOE and the Florida Department of Environmental Protection (DEP) as

mitigation for wetland impacts associated with single family residential construction, including docks and seawalls (like an In-Lieu Fee program). Due to a wide array of issues associated with on-site mitigation, most property owners in the Keys opt to pay into the Fund as mitigation for impacts to wetlands and other surface waters.

It is important to note that the South Florida Water Management District does NOT accept payment into the fund as mitigation. However, SFWMD regulates commercial and multi-family development – not single family homes. While commercial and other non-residential development projects may also use KERF to mitigate for Federally regulated impacts, if the project requires permitting through SFWMD the applicants must provide permittee responsible mitigation. Permittee responsible mitigation means mitigation that is provided directly by the permittee through wetland restoration, enhancement or creation.

Due to a lack of success in the small scale mitigation projects generally undertaken for on-site mitigation, the U.S. Army Corps of Engineers and the Environmental Protection Agency issued regulations governing compensatory mitigation in 2008 (Federal Mitigation Rule) that established a preference for mitigation banks and provided performance standards for all types of mitigation. The Federal rule required that mitigation banks and In-Lieu Fee programs meet a specific set of performance criteria in order to continue to sell credits. KERF was informed by the ACOE that they do not meet the minimum criteria contained in the Rule and they must meet the standards provided in the rule by June of 2013 in order to continue to provide mitigation for single family residential development and other development in conjunction with ACOE dredge and fill permits. FDEP and the SFWMD have also stated that KERF must come into compliance with State requirements regulating a ROMA in order to continue to provide mitigation.

At this time County staff does not have a clear picture of exactly how far along KERF is in being able to comply with the Federal ILF rule or the State of Florida ROMA regulations. Correspondence provided by the Florida Department of Environmental Protection states in part:

*“The current agreement between Florida Audubon Society and the COE does not meet the requirements of 373.4135, F.S. The proposed “Responsibility for Mitigation Funded Restoration Projects” provides additional information, but is not sufficient to proceed with securing a sponsor. In particular, the proposal does not include an overall plan of proposed mitigation sites with ecological characterization, description, assessments of current and proposed conditions using Uniform Mitigation Assessment Method (UMAM), quantification of ecological improvement, success criteria and timeframe in which they would be met, along with management plans for each of those mitigation sites. Once this information is clear, then the issues of obtaining permits and other authorizations, full cost accounting, acquisition and preservation, monitoring, responsible entity, and other requirements will need to be addressed for each of the mitigation sites or the overall plan (if the mitigation projects are relatively homogeneous in nature)”.*

Due to the uncertainty of KERF's future ability to provide a mitigation option to the residents of Monroe County, the U.S. Army Corps of Engineers has requested the County to pursue an In-Lieu Fee program of their own, or to assist KERF in gaining compliance with the Federal Rule.

In addition to this request, FDEP and the SFWMD have asked the County to evaluate the possibility of acting as a sponsor for a ROMA in accordance with State statutes governing off-site mitigation programs. A ROMA or a mitigation bank are the only mitigation options available under State regulations that allow a permittee to pay a fee rather than provide the mitigation independently.

Monroe County staff has met with the USACOE, FDEP and SFWMD to discuss the possibility of acting as sponsor for the State permit (ROMA) and assisting KERF in pursuit of Federal approval. In addition, the County has met with representatives of KERF to initiate conversation on how the County and KERF might work together to assure that our property owners have options available for wetland mitigation.

For Monroe County property owners to continue to have an option to provide off-site mitigation by paying a fee, Monroe County may need to take action. Potential actions are grouped into 5 basic alternatives: (1) Establish a federal ILF agreement to create and manage our own mitigation program to provide mitigation for only SFR projects that do not require State mitigation (2) Establish a federal ILF agreement **and** enter into a Memorandum of Agreement with the state to create and manage our own In-Lieu Fee and ROMA program to provide mitigation for all **SFR** projects; (3) Establish a federal ILF agreement and enter into a Memorandum of Agreement with the state to create and manage our own In-Lieu Fee and ROMA program to provide mitigation for all projects; (4) Enter into a Memorandum of Agreement with the state to create a ROMA and contract with KERF (or possibly another mitigation provider TBD) to accomplish the approved mitigation projects and provide support in the establishment of a Corps permitted In-Lieu Fee program; or (5) Do nothing.

**Alternative 1 – County as Mitigation Provider for Single Family Residential projects for which the ACOE requires mitigation, but that are exempt from State mitigation requirements**

- File prospectus with U.S. Army Corps of Engineers and the Interagency Review Team (IRT) to create and operate an In-Lieu Fee (ILF) program in accordance with the Federal mitigation rule.

**Requirements for Mitigation Bank and In-Lieu Fee Program Instruments**

Mitigation bank and in-lieu fee program instruments must include the following information:

1. Description of the proposed service area(s) in this case the Florida Keys
2. Accounting procedures
3. Provision stating that legal responsibility for providing mitigation lies with the sponsor once a permittee secures credits from the sponsor
4. Default and closure provisions

5. Reporting protocols
6. Any other information deemed necessary by the district engineer

For an in-lieu fee program, a complete instrument must also include the following information:

1. Compensation planning framework (33 CFR 332.8(c)/40 CFR 230.98(c));
2. Specification of the amount of advance credits (33 CFR 332.8(n)/40 CFR 230.98(n)) and the fee schedule for these credits;
3. Methodology for determining future project-specific credits and fees;
4. Description of the in-lieu fee program account (33 CFR 332.8(i)/40 CFR 230.98(i)).

Costs for Alternative 1 are estimated at \$35,160

A brief summary of the advantages and disadvantages of this alternative is provided below:

#### Advantages

- Allows Monroe County to control the mitigation program and not rely on the performance (either technical or financial) of a 3<sup>rd</sup> party provider (such as KERF or other mitigation contractor)
- Eliminates the potential for having to advertise for a mitigation provider
- Monroe County *could* contract with a qualified 3<sup>rd</sup> party provider as mitigation contractor to implement some or all of the approved mitigation activities and monitoring requirements at any time during the life of the ILF program.
- Eliminates the need to Sponsor a ROMA but still provides a mitigation option for those property owners that only require ACOE permits (typically docks/seawalls on canals and IS lots that contain wetlands that are regulated by the ACOE but not by the State).

#### Disadvantages

- Will require significant Monroe County staff resources to complete the Prospectus and In-Lieu Fee Instrument
- Requires the County to be responsible for the implementation and long term (in perpetuity) success of the mitigation areas
- Requires staff resources to locate, design and permit the appropriate mitigation areas

**Alternative 2 – County as Mitigation Provider for Single Family Residential projects that require mitigation from ACOE and FDEP<sup>1</sup>**

- File application with the State to create & operate a Regional Off-site Mitigation Area (ROMA) and prepare a MOA in accordance with State statutes (373.4135, F.S.). At a minimum, the memorandum of agreement must address the following for each project authorized:
  1. A description of the work that will be conducted on the site and a timeline for completion of such work.
  2. A timeline for obtaining any required environmental resource permit.
  3. The environmental success criteria that the project must achieve.
  4. The monitoring and long-term management requirements that must be undertaken for the project.
  5. An assessment of the project in accordance with s. 373.4136(4)(a)-(i), until the adoption of the uniform wetland mitigation assessment method pursuant to s. 373.414(18).
  6. A designation of the entity responsible for the successful completion of the mitigation work.
  7. A definition of the geographic area where the project may be used as mitigation established using the criteria of s. 373.4136(6).
  8. Provision and a timetable for the acquisition of any lands necessary for the project.
  9. Provision for preservation of the site.
  10. Provision for application of all moneys received solely to the project for which they were collected.
  11. Provision for termination of the agreement and cessation of use of the project as mitigation if any material contingency of the agreement has failed to occur.
  12. Provision in the agreement for additional projects to be added and evaluated as they are identified.
- File prospectus with U.S. Army Corps of Engineers and the Interagency Review Team (IRT) to create and operate an In-Lieu Fee (ILF) program in accordance with the Federal mitigation rule.

**Requirements for Mitigation Bank and In-Lieu Fee Program Instruments**

Mitigation bank and in-lieu fee program instruments must include the following information:

1. Description of the proposed service area(s) in this case the Florida Keys
2. Accounting procedures
3. Provision stating that legal responsibility for providing mitigation lies with the sponsor once a permittee secures credits from the sponsor
4. Default and closure provisions

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<sup>1</sup> ROMA instruments must ensure that mitigation costs provide for the full cost accounting of the project, including the project activities, land costs, and administration. **However, ROMAs designated for mitigation use by private, single-family residential construction (not incorporated residential development) only, the full cost accounting provision is not required.** In either case, moneys received for a ROMA project may only be used for that project, and no other purpose.

5. Reporting protocols
6. Any other information deemed necessary by the district engineer

For an in-lieu fee program, a complete instrument must also include the following information:

1. Compensation planning framework (33 CFR 332.8(c)/40 CFR 230.98(c));
2. Specification of the amount of advance credits (33 CFR 332.8(n)/40 CFR 230.98(n)) and the fee schedule for these credits;
3. Methodology for determining future project-specific credits and fees;
4. Description of the in-lieu fee program account (33 CFR 332.8(i)/40 CFR 230.98(i)).

Costs for Alternative 2 are estimated at \$45,527

A brief summary of the advantages and disadvantages of this alternative is provided below:

#### Advantages

- Allows Monroe County to control the mitigation program and not rely on the performance (either technical or financial) of a 3<sup>rd</sup> party provider (such as KERF or other mitigation contractor)
- Eliminates the potential for having to advertise for a mitigation provider
- Monroe County *could* contract with a qualified 3<sup>rd</sup> party provider as mitigation contractor to implement some or all of the approved mitigation activities and monitoring requirements at any time during the life of the MOA
- Monroe County could exercise the option in 373.4135(7) and limit the mitigation to single family residences. This would limit the potential for the mitigation program to be perceived by the public as a service to the development community rather than a needed alternative for our community

#### Disadvantages

- Will require substantial Monroe County staff resources to complete the MOA, Prospectus and applicable Environmental Resource Permits, may require additional staffing
- Requires the County to be responsible for the implementation and long term (in perpetuity) success of the mitigation areas
- Requires staff resources to locate, design and permit the appropriate mitigation areas

#### **Alternative 3 – County as Mitigation Provider for SFR & Commercial projects that require mitigation from ACOE, FDEP and/or SFWMD**

- File application with the State to create & operate a Regional Off-site Mitigation Area (**ROMA**) and prepare a MOA in accordance with State statutes (373.4135, F.S.). At a minimum, the memorandum of agreement must address the following for each project authorized:

1. A description of the work that will be conducted on the site and a timeline for completion of such work.
  2. A timeline for obtaining any required environmental resource permit.
  3. The environmental success criteria that the project must achieve.
  4. The monitoring and long-term management requirements that must be undertaken for the project.
  5. An assessment of the project in accordance with s. 373.4136(4)(a)-(i), until the adoption of the uniform wetland mitigation assessment method pursuant to s. 373.414(18).
  6. A designation of the entity responsible for the successful completion of the mitigation work.
  7. A definition of the geographic area where the project may be used as mitigation established using the criteria of s. 373.4136(6).
  8. Full cost accounting of the project, including annual review and adjustment.
  9. Provision and a timetable for the acquisition of any lands necessary for the project.
  10. Provision for preservation of the site.
  11. Provision for application of all moneys received solely to the project for which they were collected.
  12. Provision for termination of the agreement and cessation of use of the project as mitigation if any material contingency of the agreement has failed to occur.
  13. Provision in the agreement for additional projects to be added and evaluated as they are identified.
- File prospectus with U.S. Army Corps of Engineers and the Interagency Review Team (IRT) to create and operate an In-Lieu Fee (ILF) program in accordance with the Federal mitigation rule.

Requirements for Mitigation Bank and In-Lieu Fee Program Instruments

Mitigation bank and in-lieu fee program instruments must include the following information:

1. Description of the proposed service area(s) in this case the Florida Keys
2. Accounting procedures
3. Provision stating that legal responsibility for providing mitigation lies with the sponsor once a permittee secures credits from the sponsor
4. Default and closure provisions
5. Reporting protocols
6. Any other information deemed necessary by the district engineer

For an in-lieu fee program, a complete instrument must also include the following information:

1. Compensation planning framework (33 CFR 332.8(c)/40 CFR 230.98(c));
2. Specification of the amount of advance credits (33 CFR 332.8(n)/40 CFR 230.98(n)) and the fee schedule for these credits;
3. Methodology for determining future project-specific credits and fees;
4. Description of the in-lieu fee program account (33 CFR 332.8(i)/40 CFR 230.98(i)).

Costs for Alternative 3 are estimated at \$51,155



A brief summary of the advantages and disadvantages of this alternative is provided below:

#### Advantages

- Allows Monroe County to control the mitigation program and not rely on the performance (either technical or financial) of a 3<sup>rd</sup> party provider (such as KERF or other mitigation contractor)
- Eliminates the potential for having to advertise for a mitigation provider
- Monroe County *could* contract with a qualified 3<sup>rd</sup> party provider as mitigation contractor to implement some or all of the approved mitigation activities and monitoring requirements at any time during the life of the MOA
- Monroe County could exercise the option in 373.4135(7) and limit the mitigation to single family residences. This would limit the potential for the ROMA to be perceived by the public as a service to the development community rather than a needed alternative for our community

#### Disadvantages

- Will require substantial Monroe County staff resources to complete the MOA, Prospectus and applicable Environmental Resource Permits, possibly requiring additional staffing
- Requires the County to be responsible for the implementation and long term (in perpetuity) success of the mitigation areas
- Requires staff resources to locate, design and permit the appropriate mitigation areas

#### **Alternative 4 – County’s MOA and ILF includes a 3<sup>rd</sup> Party Mitigation Provider (KERF or other TBD)**

The county would file an application with the State to create & operate a Regional Off-site Mitigation Area (**ROMA**) and prepare a MOA in accordance with State statutes (373.4135, F.S.), specifying in that application that Keys Environmental Restoration Fund (KERF) would be establishing, implementing, and monitoring the mitigation areas, and would be responsible for meeting both the state and federal requirements of full cost accounting and other technical documentation requirements

This alternative will require the development of a detailed memorandum of understanding (or contract) between Monroe County and the ultimate 3<sup>rd</sup> party provider (with KERF as the mitigation contractor) that stipulates the performance criteria that we will require of the provider as well as the criteria spelled out in the rules referred to above.

Costs for Alternative 4 are estimated at \$170,198

### Advantages

- If we are able to Sponsor KERF and reach agreement on performance criteria, this alternative has the best chance meeting the Federal deadline of June 2013 and not leaving a window of time when off site mitigation is not available in Monroe County
- KERF has a proven track record in providing the required services as well as the relationships with land managers throughout the Keys to identify potential mitigation projects
- Limits the amount of Monroe County staff resources required to oversight and management rather than the technical involvement required in other alternatives.

### Disadvantages

- Leaves Monroe County vulnerable to lack of performance by the selected Contractor and the subsequent liability of the permit conditions
- Potential liability for long term maintenance of mitigation areas which may not have adequate maintenance funding
- If we do not advertise, potential repercussions from other mitigation providers

NOTE: Purchasing procedures need to be evaluated to determine whether an RFP/RFQ is required for 3<sup>rd</sup> party contractor or if the County can sole-source with KERF as the mitigation provider.

### **Alternative 5 – Take no County Action**

This alternative is simply the County not getting involved in the provision of wetland mitigation. KERF would need to meet the Federal requirements for an ILF by June 2013 or cease to provide mitigation for Federally regulated impacts.

In addition, KERF would need to find another governmental entity to serve as Sponsor and would need meet State's requirements for a ROMA without the assistance or input of Monroe County.

### Advantages

- No requirement for staff resources
- Monroe County assumes no liability for any mitigation project or oversight

### Disadvantages

- If KERF does not find a sponsor and is not able to achieve compliance with Federal regulations, residents of Monroe County will not have an off-site mitigation alternative available after June 2013
- Without off-site mitigation, most homeowners will not be able to meet mitigation requirements for docks or single family residences that impact wetlands

## BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: January 19, 2012  
Bulk Item: Yes      No X

Division: Growth Management  
 Department: Planning & Environmental Resource  
 Staff Contact Person: Michael Roberts  
 (305) 289-2502

**AGENDA ITEM WORDING:** Discussion and direction regarding the request by the South Florida Water Management District and the Florida Department of Environmental Protection for Monroe County to Sponsor a Regional Offsite Mitigation Area (ROMA) to provide compensatory mitigation for wetland impacts in the Keys.

**ITEM BACKGROUND:** In the Keys, mitigation for impacts to aquatic resources (including wetlands) associated with single family residential development, including boat docks, seawalls, etc., has most often been provided through an environmental mitigation Trust Fund that was established as a result of a Federal case involving wetland impacts. This Fund is known as the Keys Environmental Restoration Fund (KERF) and payment to KERF by permit applicants has been accepted by the ACOE and the Florida Department of Environmental Protection (DEP) as mitigation for wetland impacts associated with single family residential construction, including docks and seawalls. However, as detailed in the attached backup information, KERF does not currently meet Federal or State requirements for off-site mitigation. As a result, KERF cannot provide mitigation for wetland impacts for projects that require a permit from the South Florida Water Management District (SFWMD), such as commercial projects and those impacting more than 1 acre of wetlands.

Due to changes in State and Federal regulations related to offsite mitigation since KERF began operations, there is concern regarding KERF's future ability to provide a mitigation option to the residents of Monroe County. The ACOE has requested the County to pursue an In-Lieu Fee (ILF) program that meets Federal mitigation requirements, or to assist KERF in gaining compliance with the Federal Rule. In addition to this request, FDEP and the SFWMD have asked the County to evaluate the possibility of acting as a sponsor for a ROMA in accordance with State statutes governing off-site mitigation programs. A ROMA or a mitigation bank are the only mitigation options available under State regulations that allow a permittee to pay a fee rather than provide the mitigation directly through on-site wetland.

For Monroe County property owners to continue to have an option to provide off-site mitigation by paying a fee, Monroe County may need to take action. Potential actions are grouped into 5 basic alternatives: (1) Establish a federal ILF agreement to create and manage our own mitigation program to provide mitigation for only SFR projects that do not require State mitigation (2) Establish a federal ILF agreement and enter into a Memorandum of Agreement with the state to create and manage our own In-Lieu Fee and ROMA program to provide mitigation for all SFR projects; (3) Establish a federal ILF agreement and enter into a Memorandum of Agreement with the state to create and manage our own In-Lieu Fee and ROMA program to provide mitigation for all projects; (4) Enter into a Memorandum of Agreement with the state to create a ROMA and contract with KERF (or possibly another mitigation provider TBD) to accomplish the approved mitigation projects and provide support in the establishment of a Corps permitted In-Lieu Fee program; or (5) Do nothing.

**PREVIOUS RELEVANT COMMISSION ACTION:**

**CONTRACT/AGREEMENT CHANGES: N/A**

**STAFF RECOMMENDATION:** Direct staff to prepare RFP/SOQ for Consultant to prepare permit documents and provide mitigation services for wetland restoration and/or enhancement

**TOTAL COST: \$170,000    INDIRECT COST: \$20,000    BUDGETED:** Yes    No    N/A

**SOURCE OF FUNDS:** N/A

**AMOUNT PER MONTH:** N/A Year     

**APPROVED BY:** County Attorney \_\_\_\_\_ OMB / Purchasing \_\_\_\_\_ Risk Management \_\_\_\_\_

**DOCUMENTATION:** Included  X  Not Required\_\_\_\_\_

DISPOSITION:	AGENDA ITEM #
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## Summary of Permit Extension Laws

**NOTE: NORMAL CODIFIED MONROE COUNTY EXTENSIONS STILL APPLY (i.e. 90 permit issuance extension, 180 permit extension, etc)**

Bills Laws of FL	SB 360 Ch 2009-96 <u>Section 14</u> (CS/CS/SB 360) Growth Managements 380.06 FS	SB 1752 Ch 2010-147 <u>Section 46</u> (CS/SB 1752) Economic Development	SB 1752 Ch 2010-147 <u>Section 47</u> (CS/SB 1752) Economic Development	HB 7207 Ch 2011-139 <u>Section 73</u> (CS/HB 7207)	HB 7207 Ch 2011-139 <u>Section 79</u> (CS/HB 7207)	CS/SB 1180 Section 5  Draft - To Be Effective 7/1/12	STAFF ACTION
Qualifying Permits	DEP or Water Management District, Development Order(minor conditional use permits and major conditional use permits), Building Permit, Build-Outs	Development order (minor conditional use permits and major conditional use permits), building permit, DEP permit or water management permit	Any exemption granted for any project for which an application for development approval has been approved or filed	Any permit extended under Section 14 of Ch 2009-96 (SB 360), reauthorized by section 47 of Ch 2010-147 (SB 1752)	DEP or Water Management District, Development Order(minor conditional use permits and major conditional use permits), Building Permit, Build-Outs	Any permit issued by DEP or a water management district, local government-issued development order or building permit	
Permit Expiration Date between	9/1/08 - 1/1/12	9/1/08 - 1/1/12	9/1/08 - 1/1/12	n/a	1/1/12 - 1/1/14	1/1/12 - 1/1/14	< === Check EXP
Extension	2 years from permit expiration date	2 years from previously scheduled date of expiration. Extension in addition to 2 year extension provided from Ch 2009-96 Section 14 (SB 360)	2 years from extension received from Ch 2009-96 Section 14 (SB 360)	2 years from previously scheduled date of expiration. Extension in addition to 2 year extension provided from Ch 2009-96 Section 14 (SB 360), reauthorized by section 47 of Ch 2010-147 (SB 1752)	2 years from previously scheduled date of expiration. Extension in addition to 2 years from extension received from Ch 2009-96 Section 14 (SB 360) as reauthorized Ch 2010-147 Section 47 (SB 1752), Ch 2010-147 Section 46 (SB 1752)	2 years after its previously scheduled date of expiration. Extension in addition to any existing permit extensions Section 14 of chapter 2009-96 as reauthorized by section 47 of chapter 2010-147; Section 46 of chapter 2010-147 ; Section 74 of chapter 2011-139; Section 79 of chapter 2011-139	
Total # years extension allowed from all bills	2 years	4 years	4 years	4 years	4 years	4 years	< === Confirm total years of extension by checking Conditions of permit and inspections
<b>Requirements:</b>							
Notify authorizing agency in writing	By 12/31/2009	By 12/31/2010	By 12/31/2010	By 12/31/2011	By 12/31/2011	By 12/31/2012	
Governing Rules: Permits continued to be governed by rules in effect at the time the permit was issued - except immediate threat to public safety Modification of Plans: Shall apply but not extend the time limit beyond 2 additional years Exclusion: If Permit extension delays court order, or Permit was established through issuance of warning letter or Notice of Violation							< === Confirm no CODE case involved



BOAF MODEL ADMINISTRATIVE CODE  
FOR THE 2010 FLORIDA BUILDING CODE  
12/10/11

## BOAF Model Administrative Code – 2010

The Building Officials Association of Florida is proud to present this model document for use by its members as a tool to facilitate the uniform and consistent application of local amendments to the administrative provisions of the Florida Building Code. Every effort has been made to present the amendments in mandatory language format. The language that is shaded represents those text revisions approved by the BOAF Board of Directors at their winter meeting in Lake Mary on December 10, 2011

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CHAPTER 1  
SCOPE AND ADMINISTRATION  
PART 1—SCOPE AND APPLICATION  
SECTION 101  
GENERAL

**101.1 Title.** These regulations shall be known as the Florida *Building Code* hereinafter referred to as “this code.”

**101.2 Scope.** The provisions of this code shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception:

1. Detached one- and two-family *dwelling*s and multiple single-family *dwelling*s (*townhouses*) not more than three *stories* above *grade plane* in height with a separate *means of egress* and their accessory structures shall comply with the *Florida Building Code, Residential*.
2. Existing buildings undergoing repair, alterations or additions and change of occupancy shall comply with *Florida Building Code, Existing*.

**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted. (*List adopted Appendices here*)

101.2.2 *Florida Building Code, Residential* Construction standards or practices which are not covered by *Florida Building Code, Residential* volume shall be in accordance with the provisions of *Florida Building Code, Building*.

**101.3 Intent.** The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, *means of egress* facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

**101.3.1 Quality control.** Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.

**101.3.2 Warranty and Liability.** The permitting, plan review or inspection of any building, system or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. This jurisdiction shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

**101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.8 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.2 Gas. The provisions of the *Florida Building Code, Fuel Gas* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**101.4.2 Mechanical.** The provisions of the *Florida Building Code, Mechanical* shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems.

**101.4.3 Plumbing.** The provisions of the *Florida Building Code, Plumbing* shall apply to the installation, *alteration*, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of

the *International Private Sewage Disposal Code* shall apply to private sewage disposal systems.

**101.4.4 Property maintenance.** *(This is where to reference your jurisdictions Property Maintenance code or minimum housing code or ordinance)* The provisions of the *International Property Maintenance Code* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

**101.4.5 Fire prevention.** The provisions of the *Florida Fire Prevention Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, *alteration* or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

**101.4.6 Energy.** The provisions of the *Florida Building Code, Energy Conservation* shall apply to all matters governing the design and construction of buildings for energy efficiency.

**101.4.7 Accessibility.** For provisions related to accessibility, refer to Chapter 11 of the *Florida Building Code, Building*.

**101.4.8 Manufactured buildings.** For additional administrative and special code requirements, see section 428, *Florida Building Code, Building*, and Rule 9B-1 F.A.C.

## SECTION 102 APPLICABILITY

**102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

**102.1.1** The *Florida Building Code* does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection,

alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the *Florida Building Code*.

Additionally, a local code enforcement agency may not administer or enforce the *Florida Building Code, Building* to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

**102.2 Building.** The provisions of the *Florida Building Code* shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in Chapter 34 of this code. The following buildings, structures and facilities are exempt from the *Florida Building Code* as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

- a) Building and structures specifically regulated and preempted by the federal government.
- b) Railroads and ancillary facilities associated with the railroad.
- c) Nonresidential farm buildings on farms.
- d) Temporary buildings or sheds used exclusively for construction purposes.
- e) Mobile or modular structures used as temporary offices, except that the provisions of Part II (Section 553.501-553.513, *Florida Statutes*) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. Permits shall be required for structural support and tie down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.

- f) Those structures or facilities of electric utilities, as defined in Section 366.02, *Florida Statutes*, which are directly involved in the generation, transmission, or distribution of electricity.
- g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.
- h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- i) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

**102.2.3** The building official shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved foundation is substantially remodeled. The cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

**102.2.4** This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Financial Services to inspect state-owned buildings and boilers.

**102.2.6** This section does not apply to swings and other playground equipment accessory to a one- or two-family dwelling.

**Exception:** Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

**102.3 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

**102.5 Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**102.6 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, *the International Property Maintenance Code (Or what you have referenced in 101.4.4)* or the *Florida Fire Prevention Code*, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

#### **102.7 Relocation of manufactured buildings.**

- (1) Relocation of an existing manufactured building does not constitute an alteration.
- (2) A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the Standard Building Code (prior to March 1, 2002), the wind speed map of the Standard Building Code shall be applicable. If the existing building was manufactured in compliance with the *Florida Building Code* (after March 1, 2002), the wind speed map of the *Florida Building Code* shall be applicable.
- (3) A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

**102.8 Existing mechanical equipment.** An agency or local government may not require that existing mechanical equipment on the surface of a roof be installed in compliance with the requirements of the *Florida Building Code* until the equipment is required to be removed or replaced.

## PART 2—ADMINISTRATION AND ENFORCEMENT

### SECTION 103 DEPARTMENT OF BUILDING SAFETY

**103.1 Creation of enforcement agency.** The Department of Building Safety is hereby created and the official in charge thereof shall be known as the *building official*.

**103.2 Appointment.** The *building official* shall be appointed by the chief appointing authority of the jurisdiction.

**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the *building official*.  
For the maintenance of existing properties, see the *International Property Maintenance Code*. (Or what you have referenced in 101.4.4)

### SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

**104.1 General.** The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**104.2 Applications and permits.** The *building official* shall receive applications, review *construction documents* and issue *permits* for the erection, and *alteration*, demolition and moving of buildings and structures, inspect the premises for which such *permits* have been issued and enforce compliance with the provisions of this code.

**104.3 Notices and orders.** The *building official* shall issue all necessary notices or orders to ensure compliance with this code.

**104.4 Inspections.** The *building official* shall make all of the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**104.5 Identification.** The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the *building official* is authorized To enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

**104.7 Department records.** The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per FS 119.

**104.8 Liability.** The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or

employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

#### **104.9 Approved materials and equipment.**

Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

**104.9.1 Used materials and equipment.** The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless *approved* by the *building official*.

**104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

**104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety. . When alternate life safety systems are designed, the SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

**104.11.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

**104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved agency*. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

**104.11.3 Accessibility.** Alternative designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with Section 11.2.2.

**104.12 Requirements not covered by code.** Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the building official.

## **SECTION 105 PERMITS**

**105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit*.

**105.1.1 Annual facility permit.** In lieu of an individual *permit* for each *alteration* to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service,

repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

**105.1.2 Annual permit records.** The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *building official* shall have access to such records at all times or such records shall be filed with the *building official* as designated.

**105.1.3 Food permit.** As per Section 500.12, *Florida Statutes*, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

**105.2 Work exempt from permit.** Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:  
*(This section may need to be adjusted to your local jurisdictions requirements)*

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m<sup>2</sup>).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or *story* below and are not part of an *accessible route*.

7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family *dwelling*s.
12. Window *awnings* supported by an *exterior wall* that do not project more than 54 inches (1372 mm) from the *exterior wall* and do not require additional support of Groups R-3 and U occupancies.
13. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

**Electrical:**

**Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.

**Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

**Temporary testing systems:** A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

**Gas:**

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

**Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. The installation, replacement, removal or metering of any load management control device.



#### Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**105.2.1 Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

**105.2.2 Minor Repairs.** Ordinary minor repairs or installation of replacement parts may be made with the prior approval of the building official without a permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition* to, *alteration* of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

**105.2.3 Public service agencies.** A *permit* shall not be required for the installation, *alteration* or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

**105.3 Application for permit.** To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Section 713.135(5) and (6), *Florida Statutes*. Each application shall be inscribed with the date of application, and the code in effect as of that date. For

a building permit for which an application is submitted prior to the effective date of the *Florida Building Code*, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

**105.3.1 Action on application.** The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing, stating the reasons there for. If the *building official* is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefor as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for permits, the building official shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

**105.3.1.2** No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the enforcing agency which issues the permit any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, *Florida Statutes*:

1. Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. The system:

1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of over \$125,000; and

- 2.a. Requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system;



NOTE: It was further clarified by the Commission that the limiting factor of 240 volt or over is required to be designed by an Engineer.

b. Requires a plumbing system with 250 fixture units or more;

c. Requires a heating, ventilation, and air-conditioning system that exceeds a 15-ton-per-system capacity, or if the project is designed to accommodate over 100 persons.

NOTE: It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. A Contractor I, Contractor II, or Contractor IV, certified under Section 633.521 *Florida Statutes*, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.

3. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000.

Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in Section 471.025, *Florida Statutes*.

**105.3.2 Time limitation of application.** An application for a *permit* for any proposed work shall be deemed to have been abandoned becoming null and void 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is

authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**105.3.3** An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement: “NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.”

**105.3.4** A building permit for a single-family residential dwelling must be issued within 30 working days of application therefor unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the *Florida Building Code* or the enforcing agency’s laws or ordinances.

**105.3.5 Identification of minimum premium policy.** Except as otherwise provided in Chapter 440, *Florida Statutes*, Workers’ Compensation, every employer shall, as a condition to receiving a building permit, show proof that it has secured compensation for its employees as provided in Section 440.10 and 440.38, *Florida Statutes*.

**105.3.6 Asbestos removal.** Moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement: State law requires asbestos abatement to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your

property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

**105.3.7 Applicable Code for Manufactured Buildings.** Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for permit, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Community Affairs.

**105.3.8 Public right of way.** A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way permit from the authority having jurisdiction over the street, alley or public lane

**105.4 Conditions of the permit.** The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

**105.4.1 Permit intent.** A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction or violations of this code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced.

**105.4.1.1** If work has commenced and the permit is revoked, becomes null and void, or expires because of lack of progress or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work.

**105.4.1.2** If a new permit is not obtained within 180 days from the date the initial permit became null and void, the building official is authorized to require that any work which has been commenced or completed be removed from the building site. Alternately, a new permit may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.

**105.4.1.3** Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process.

**105.4.1.4** The fee for renewal reissuance and extension of a permit shall be set forth by the administrative authority.

**105.5 Expiration.** Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**105.6 Suspension or revocation.** The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

**105.7 Placement of permit.** The building permit or copy shall be kept on the site of the work until the completion of the project.

**105.8 Notice of commencement.** As per Section 713.135, *Florida Statutes*, when any person applies for a building permit, the authority issuing such permit shall print on the face of each permit card in no less than 14 point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

**105.9 Asbestos.** The enforcing agency shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of Section 469.003, *Florida Statutes*, and to notify the Department of Environmental Protection of his or her intentions to remove asbestos, when applicable, in accordance with state and federal law.

**105.10 Certificate of protective treatment for prevention of termites.** A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a copy for the person the permit is issued to and another copy for the building permit files. The treatment certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval.

**105.11 Notice of termite protection.** A permanent sign which identifies the termite treatment provider and need for reinspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel.

**105.12 Work starting before permit issuance.** Upon approval of the building official, the scope of work delineated in the building permit application and plan may be started prior to the final approval and issuance of the permit, provided any work completed is entirely at risk of the permit applicant and the work does not proceed past the first required inspection.

**105.13 Phased permit approval.** After submittal of the appropriate construction documents, the building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes.

**105.14 Permit issued on basis of an affidavit.** Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part III of Chapter 468, *Florida Statutes*.

**105.15 Opening protection.** When any activity requiring a building permit that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single family detached residential structures that is located in the wind borne debris region as defined in this Code and that has an insured value of \$750,000 or more, or, if the site built single family detached residential structures is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this Code or Florida Building Code, Residential for new construction shall be provided.

**Exception:** Single family residential structures permitted subject to the Florida Building Code are not required to comply with this section.

## **SECTION 106 FLOOR AND ROOF DESIGN LOADS**

**106.1 Live loads posted.** Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner in that part of each *story* in which they apply, using durable signs. It shall be unlawful to remove or deface such notices

**106.2 Issuance of certificate of occupancy.** A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

**106.3 Restrictions on loading.** It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

## **SECTION 107 SUBMITTAL DOCUMENTS**

**107.1 General.** Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two or more sets with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* where required by Chapter 471, Florida Statutes & 61G15 Florida Administrative Code or Chapter 481, Florida Statutes & 61G1 Florida Administrative Code. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

**Exception:** The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

**107.2 Construction documents.** *Construction documents* shall be in accordance with Sections 107.2.1 through 107.2.5.

**107.2.1 Information on construction documents.** *Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design. (see also Section 107.3.5).

**107.2.1.1 Fire protection system shop drawings.** Shop drawings for the *fire protection system(s)* shall be submitted to indicate conformance to this code and the *construction documents* and shall be *approved* prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

**107.2.1.2** For roof assemblies required by the code, the construction documents shall illustrate, describe, and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the wind criteria required for the specific site or a statement by an architect or engineer for the specific site must be submitted with the construction documents.

**107.2.3 Means of egress.** The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**107.2.4 Exterior wall envelope.** *Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather resistance of the *exterior wall envelope*. The supporting documentation shall fully describe the *exterior wall* system which was tested, where applicable, as well as the test procedure used.

**107.2.5 Site plan.** The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and *design flood* elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

**107.2.5.1 Design flood elevations.** Where *design flood* elevations are not specified, they shall be established in accordance with Section 1612.3.1.

**107.3 Examination of documents.** The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance

with the requirements of this code and other pertinent laws or ordinances.  
Exceptions:

1. Building plans approved pursuant to Section 553.77(5), *Florida Statutes*, and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly (including utility crossover connections) and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to FAC 9B-1.009, F.A.C., shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.

2. Industrial construction on sites where design, construction and fire safety are supervised by appropriate licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval of the building official, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

#### **107.3.1 Approval of construction documents.**

When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as "Reviewed for Code Compliance." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

**107.3.2 Previous approvals.** This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

**107.3.3 Phased approval.** The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent

requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

#### **107.3.4 Design professional in responsible charge**

**107.3.4.1 General.** When it is required that documents be prepared by a *registered design professional*, the *building official* shall be authorized to require the owner to engage and designate on the *building permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the owner shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *building official* shall be notified in writing by the owner if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties. The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

**107.3.4.2 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *building official* within a specified period. Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *building official*. Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the *building official*.

**107.3.4.3** Certifications by contractors authorized under the provisions of Section 489.115(4)(b), *Florida Statutes*, shall be considered equivalent to sealed plans and specifications by a person licensed

under Chapter 471, *Florida Statutes*, or Chapter 481 *Florida Statutes*, by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind-resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one- and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under Chapters 471, 481 or 489, *Florida Statutes*.

**107.3.5 Minimum plan review criteria for buildings.** The examination of the documents by the building official shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration penetrations; flashing; and rough opening dimensions; and all exterior elevations:

Commercial Buildings:  
Building

1. Site requirements:
  - Parking
  - Fire access
  - Vehicle loading
  - Driving/turning radius
  - Fire hydrant/water supply/post indicator valve (PIV)
  - Set back/separation (assumed property lines)
  - Location of specific tanks, water lines and sewer lines
  - Flood hazard areas, flood zones, and design flood elevations
2. Occupancy group and special occupancy requirements shall be determined.
3. Minimum type of construction shall be determined (see Table 503).
4. Fire-resistant construction requirements shall include the following components:
  - Fire-resistant separations
  - Fire-resistant protection for type of construction
  - Protection of openings and penetrations of rated walls
  - Fire blocking and draftstopping and calculated fire resistance
5. Fire suppression systems shall include:
  - Early warning smoke evacuation systems
  - Schematic fire sprinklers
  - Standpipes

Preengineered systems

Riser diagram

Same as above.

6. Life safety systems shall be determined and shall include the following requirements:

Occupant load and egress capacities

Early warning

Smoke control

Stair pressurization

Systems schematic

7. Occupancy load/egress requirements shall include:

Occupancy load

Gross

Net

Means of egress

Exit access

Exit

Exit discharge

Stairs construction/geometry and protection

Doors

Emergency lighting and exit signs

Specific occupancy requirements

Construction requirements

Horizontal exits/exit passageways

8. Structural requirements shall include:

Soil conditions/analysis

Termite protection

Design loads

Wind requirements

Building envelope

Impact resistant coverings or systems

Structural calculations (if required)

Foundation

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials

Wall systems

Floor systems

Roof systems

Threshold inspection plan

Stair systems

9. Materials shall be reviewed and shall at a minimum include the following:

Wood

Steel

Aluminum

Concrete

Plastic

Glass

Masonry

Gypsum board and plaster

Insulating (mechanical)

Roofing

Insulation

10. Accessibility requirements shall include the following:

Site requirements

Accessible route

Vertical accessibility

Toilet and bathing facilities

Drinking fountains

Equipment

Special occupancy requirements

Fair housing requirements

11. Interior requirements shall include the following:

Interior finishes (flame spread/smoke development)

Light and ventilation

Sanitation

12. Special systems:

Elevators

Escalators

Lifts

13. Swimming pools:

Barrier requirements

Spas

Wading pools

Electrical

1. Electrical:

Wiring

Services

Feeders and branch circuits

Overcurrent protection

Grounding

Wiring methods and materials

GFCIs

2. Equipment

3. Special occupancies

4. Emergency systems

5. Communication systems

6. Low voltage

7. Load calculations

8. Design flood elevation

Plumbing



1. Minimum plumbing facilities
2. Fixture requirements
3. Water supply piping
4. Sanitary drainage
5. Water heaters
6. Vents
7. Roof drainage
8. Back flow prevention
9. Irrigation
10. Location of water supply line
11. Grease traps
12. Environmental requirements
13. Plumbing riser
14. Design flood elevation

#### Mechanical

1. Energy calculations
2. Exhaust systems:
3. Clothes dryer exhaust
4. Kitchen equipment exhaust
5. Specialty exhaust systems
6. Equipment
7. Equipment location
8. Make-up air
9. Roof-mounted equipment
10. Duct systems
11. Ventilation
12. Combustion air
13. Chimneys, fireplaces and vents
14. Appliances
15. Boilers
16. Refrigeration
17. Bathroom ventilation
18. Laboratory
19. Design flood elevation

#### Gas

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs
10. Design flood elevation

#### Demolition

1. Asbestos removal

#### Residential (one- and two-family)

1. Site requirements
  - Set back/separation (assumed property lines)
2. Location of septic tanks

3. Fire-resistant construction (if required)
4. Fire
5. Smoke detector locations
6. Egress
  - Egress window size and location stairs construction requirements
7. Structural requirements shall include:
  - Wall section from foundation through roof, including assembly and materials connector tables wind requirements structural calculations (if required)
  - Termite protection
  - Design loads
  - Wind requirements
  - Building envelope
  - Structural calculations (if required)
  - Foundation
  - Wall systems
  - Floor systems
  - Roof systems

8. Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials
9. Accessibility requirements: show/identify accessible bath
10. Impact resistant coverings or systems

#### 11. Exemptions.

1. Plans examination by the building official shall not be required for the following work:
2. Replacing existing equipment such as mechanical units, water heaters, etc.
3. Reroofs
4. Minor electrical, plumbing and mechanical repairs
5. Annual maintenance permits
6. Prototype plans
7. Except for local site adaption's, siding, foundations and/or modifications.
8. Except for structures that require waiver.

12. Manufactured buildings plan except for foundations and modifications of buildings on site.

1. Site requirements
  - setback/separation (assumed property lines)

- location of septic tanks (if applicable)
- 2. Structural
  - wind zone
  - anchoring
  - blocking
- 3. Plumbing
  - List potable water source and meter size (if applicable)
- 4. Mechanical
  - Exhaust systems
  - clothes dryer exhaust
  - kitchen equipment exhaust
- 5. Electrical
  - exterior disconnect location

**107.4 Amended construction documents.** Work shall be installed in accordance with the **reviewed construction documents**, and any changes made during construction that are not in compliance with the **reviewed construction documents** shall be resubmitted for approval as an amended set of *construction documents*.

**107.5 Retention of construction documents.** One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by Florida Statutes

**107.6 Affidavits.** The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The

building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

## SECTION 108 TEMPORARY STRUCTURES AND USES

**108.1 General.** The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

**108.2 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, *means of egress*, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

**108.3 Temporary power.** The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in Chapter 27 of the Florida Building Code, Building.

**108.4 Termination of approval.** The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

## SECTION 109 FEES

**109.1 Prescribed fees.** A permit shall not be issued until fees authorized under Section 553.80, *Florida Statutes*, have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical, or gas systems, has been paid.

**109.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

**109.2.1 Types of Fees Enumerated.** Fees may be charged for but not limited to the following:

- Permits;
- Plans examination;
- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance requests;
- Administrative appeals;
- Violations; and
- Other fees as established by local resolution or ordinance.

**109.3 Building permit valuations.** The applicant for a *permit* shall provide an estimated *permit* value at time of application. *Permit* valuations shall include total value of work, including materials and labor, for which the *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the *building official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *building official*. Final building *permit* valuation shall be set by the *building official*.

**109.4 Work commencing before permit issuance.**

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary *permits* shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required *permit* fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

**109.5 Related fees.** The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve

the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

**109.6 Refunds.** The *building official* is authorized to establish a refund policy.

## SECTION 110 INSPECTIONS

**110.1 General.** Construction or work for which a *permit* is required shall be subject to inspection by the *building official* and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *permit* applicant to cause the work to remain accessible and exposed for inspection purposes. The *building official* shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field. Neither the *building official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**110.1.1 Manufacturers and fabricators.** When deemed necessary by the building official, he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

**110.1.2 Inspection service.** The building official may make, or cause to be made, the inspections required by 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, Qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

**110.2 Preliminary inspection.** Before issuing a permit, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

**110.3 Required inspections.** The *building official*, upon notification from the permit holder or his or her agent shall make the following inspections, and such other inspections as deemed necessary and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

Building:

1. Foundation inspection. . Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job, and shall at a minimum include the following building components:

- Stem-wall
- Monolithic slab-on-grade
- Piling/pile caps
- Footers/grade beams

1.1. Slab Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

A foundation/Form board survey prepared and certified by a registered surveyor may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

1.2. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification

required in Section 1612.5 shall be submitted to the *building official*.

2.Framing inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved*, and shall at a minimum include the following building components:

- Window/door framing and installation
- Vertical cells/columns
- Lintel/tie beams
- Framing/trusses/bracing/connectors(including truss layout & Engineered drawings)
- Draft stopping/fire blocking
- Curtain wall framing
- Energy insulation
- Accessibility.
- Verify rough opening dimensions are within tolerances.
- Window/door buck attachment

2.1. Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place.

2.2 \_ Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

**Exception:** Gypsum board that is not part of a fire-resistance- rated assembly or a shear assembly.

3.Sheathing inspection. To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:

- Roof sheathing
- Wall sheathing
- Sheathing fasteners
- Roof/wall dry-in.
- Sheathing/cladding inspection

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

4.Roofing inspection. To be made as a minimum of two inspections and shall include the following building components:

- Dry-in
- Insulation
- Roof coverings (including In Progress as necessary)
- Flashing

5.Final inspection. To be made after the building is completed and ready for occupancy.

**5.1. Lowest floor elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the *building official*.

6.Swimming pool inspection.

First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete shell.

Underground electric inspection.

Underground piping inspection including a pressure test

Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place

Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.

Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place. In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 424.2.17.

7.Demolition inspections.

First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations.

Final inspection to be made after all demolition work is completed.

8. Manufactured building inspections.

The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility crossovers; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the *Florida Building Code*. Additional inspections may be required for public educational facilities (see Section 423.27.20).

9. Where impact resistant coverings or impact resistant systems are the building official shall schedule adequate inspections of impact resistant coverings or impact resistant systems to determine the following:

The system indicated on the plans was installed. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

## Electrical

1. Underground inspection. To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

2. Rough-in inspection. To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.

3. Final inspection. To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

## Plumbing

1. Underground inspection. To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.

2. Rough-in inspection. To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.

3. Final inspection. To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See Section P312 of the *Florida Building Code, Plumbing* for required tests.

## Mechanical

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.

2. Rough-in inspection. To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.

3. Final inspection. To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

#### Gas

1. Rough piping inspection. To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.

2. Final piping inspection. To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

3. Final inspection. To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

#### Site Debris

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean.

2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

#### 110.3.3 Reinforcing steel and structural frames.

Reinforcing steel or structural frame work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official.

**110.3.4 Termites.** Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.6,

Section 2304.13 or Section 2304.11.6, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the building official has been received.

**110.3.5 Shoring.** For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida licensed professional engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.

#### 110.3.7 Threshold building.

**110.3.7.1** The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the building official, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

**110.3.7.2** The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under s. 553.71(7), may designate such building as a threshold building, subject to more than the minimum number of inspections required by the *Florida Building Code*.

**110.3.7.3** The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed or registered under Chapter 471, *Florida Statutes*, as an

engineer or under Chapter 481, *Florida Statutes*, as an architect.

**110.3.7.4** Each enforcement agency shall require that, on every threshold building:

**110.3.7.4.1** The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: "To the best of my knowledge and belief, the above described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency."

**110.3.7.4.2** Any proposal to install an alternate structural product or system to which building codes apply be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency's recorded set of permit documents.

**110.3.7.4.3** All shoring and reshoring procedures, plans and details be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.

**110.3.7.4.4** All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with this section and Chapter 633, *Florida Statutes*.

**110.3.7.5** No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in Section 489.105(3)(a), *Florida Statutes*, or to a licensed building contractor, as defined in Section 489.105(3)(b), *Florida Statutes*, within the scope of her or his license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building permit was issued.

**110.3.7.6** The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this

code, Section 553.73, *Florida Statutes*, without duplicative inspection by the building department. The building official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*, or certified as a special inspector under Chapter 471 or 481, *Florida Statutes*. Inspections of threshold buildings required by Section 553.79(5), *Florida Statutes*, are in addition to the minimum inspections required by this code.

### **110.3.9 Special inspections. Reserved.**

**110.3.10 Final inspection.** The final inspection shall be made after all work required by the building permit is completed.

**110.4 Inspection agencies.** The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

**110.5 Inspection requests.** It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

**110.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

## **SECTION 111 CERTIFICATE OF OCCUPANCY AND COMPLETION**

**111.1 Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.



**Exception:** Certificates of occupancy are not required for work exempt from *permits* under Section 105.2.

**111.2 Certificate issued.** After the *building official* inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the department of building safety.
7. The name of the *building official*.
8. The edition of the code under which the *permit* was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3.
10. The type of construction as defined in Chapter 6.
11. The design *occupant load*.
12. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building *permit*.

**111.3 Temporary occupancy.** The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

**111.4 Certificate of Completion.** A Certificate of Completion is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy a building, such as shell building, prior to the issuance of a Certificate of Occupancy.

**111.5 Revocation.** The *building official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

## SECTION 112 SERVICE UTILITIES

**112.1 Connection of service utilities.** No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a *permit* is required, until released by the *building official*.

**112.2 Temporary connection.** The *building official* shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

**112.3 Authority to disconnect service utilities.** The *building official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 112.1 or 112.2. The *building official* shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

## SECTION 113 BOARD OF APPEALS.

**(If your jurisdiction has a process in place or this process)**

**113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

**113.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

**113.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

## SECTION 114 VIOLATIONS

**114.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**114.2 Notice of violation.** The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**114.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**114.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

## SECTION 115 STOP WORK ORDER

**115.1 Authority.** Whenever the *building official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

**115.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

**115.3 Unlawful continuance.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

## SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

*(If your jurisdiction has a process in place or this process)*

**116.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

**116.2 Record.** The *building official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**116.3 Notice.** If an unsafe condition is found, the *building official* shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe

structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

**116.4 Method of service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

**116.5 Restoration.** The structure or equipment determined to be unsafe by the *building official* is permitted to be restored to a safe condition. To the extent that repairs, *alterations* or *additions* are made or a change of occupancy occurs during the restoration of the structure, such repairs, *alterations*, *additions* or change of occupancy shall comply with the requirements of Section 105.2.2 and the Florida Building Code Existing..

**Legend:**

Plain Text is from the FBC 2010

**Shaded Text = BOAF recommendations**

*The red text is guidance and should be removed before adoption.*





## 1. Determine Percentage of Impervious Coverage

Foundation/slabs	A	ft <sup>2</sup>
Decks / Patios	B	ft <sup>2</sup>
Driveways	C	ft <sup>2</sup>
Sidewalks	D	ft <sup>2</sup>
Pool/Deck	E	ft <sup>2</sup>
Other	F	ft <sup>2</sup>
Total Impervious Coverage (A + B + C + D + E + F)		0.00 ft <sup>2</sup>

[PRINT FORM](#)

[RESET FORM](#)


$$\frac{0.00 \text{ ft}^2}{\text{Total Impervious Coverage}} \div \frac{\text{Total Lot Area} \text{ ft}^2}{} = \text{ } \% \text{ of Impervious Coverage}$$

## 2. Determine "Disturbed Area" [MC Ordinance (114-3)(f)(2) 4]

$$\text{Total Lot Area} \text{ ft}^2 - \text{Native Vegetation} \text{ ft}^2 = \text{Disturbed Area}$$

If no BMP enter "0"

For the purposes of this section, the term "disturbed area" includes the entire lot except that the areas covered by the following best management practices (BMP) shall be subtracted from the calculation of disturbed area: (i) Forested upland areas/vegetative buffer strips (both natural and manmade) which will be retained intact and over or through which vehicular access or travel is not possible and will not occur; and (ii) Open water surfaces and wetlands (salt marsh, buttonwood, mangroves, or freshwater marsh habitat types). It will be the responsibility of the applicant to affirmatively demonstrate that the best management practices used for the project are designed, constructed, and maintained properly.

## 3. Determine Required Swale Volume – Choose A, B, C or D:

A. For properties with less than 40% Impervious Coverage, use:

$$\text{Disturbed Area} \text{ ft}^2 \times 0.083 = \text{Swale Volume} \text{ ft}^3$$

B. For properties with 40% or greater Impervious Coverage, use:

$$\text{Disturbed Area} \text{ ft}^2 \times 0.208 \times \% \text{ of Impervious Coverage} = \text{Swale Volume} \text{ ft}^3$$

C. For properties discharging into Sensitive Receiving Water Bodies, i.e. Outstanding Florida Waters, bays, estuaries, near shore waters, or canals use the following calculation using the Rational Method Runoff Coefficient (C):

$$[.95 \times \% \text{ Impervious Coverage}] + [0.1 \times (1 - \% \text{ Impervious Coverage})] = C$$

Then use C to calculate required swale / retention volume:

$$C \times \text{Disturbed Area} \text{ ft}^2 \times 0.267 = \text{Swale Volume} \text{ ft}^3$$

For the purposes of this section, the term "discharging directly to sensitive waters" means the discharge of runoff via a pipe or channel outfall to the near shore waters, including canals, for which there is no intervening storm water treatment system such as those listed in subsection (f)(2)b.3. of this section. Sensitive receiving waters are defined as: class I waters, class II waters, class III waters, outstanding state waters, and/or canals connecting with these waters.

D. When only new impervious area requires storm water retention: (For Single Family and Duplexes Only)

1. When the total lot impervious coverage remains below 40% after the additional development:

$$\text{New Impervious Area} \text{ ft}^2 \times 0.083 = \text{Added Swale Volume} \text{ ft}^3$$

2. When the new development increases the total lot impervious area to 40% or above:

$$\text{New Impervious Area} \text{ ft}^2 \times 0.208 = \text{Added Swale Volume} \text{ ft}^3$$

## 4. Determine Swale Length (Swale side slopes must be no steeper than 4:1)

$$\left( \frac{\text{Width} \text{ ft} \times \text{Depth} \text{ ft}}{2} \right) = \text{Cross Sectional Area}^{\ast\ast}$$

$$\frac{\text{Swale Volume} \text{ ft}^3}{\text{Cross Sectional Area}} = \text{Swale Length} \text{ ft}$$

(i.e. a V-shaped swale with 4:1 slopes, 8 feet wide and 1 foot deep has 4 sf of Cross Sectional Area.)

Source: These Formulas are derived from the criteria for Water Quality treatment in paragraphs (f)(2)b. & a. of Monroe County Code 114-3.